



## **CITY OF ATLANTA**

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68 MITCHELL STREET SW, SUITE 3180  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
FAX: (404) 658-7720

### **ETHICS OFFICE**

Ginny Looney, Ethics Officer

# **Ethics Officer's Report to Board of Ethics**

**Case Number: CO-06-006**  
**In Re.: James F. Maddox, Sr.**  
**City Official – Use of City Property**

**Ginny Looney**  
**March 1, 2007**

**CO-06-006. In re James F. Maddox, Sr.  
Report of Ethics Officer**

**Recommendation**

The Board of Ethics should find probable cause that Council member James F. (Jim) Maddox, Sr., violated section 2-811 of the Code of Ethics when he (1) sought and received city services and property contrary to the city's policies and procedures and (2) failed to adequately compensate the city for his personal use of the city's services and property.

**Findings of Fact**

1. Council member Jim Maddox requested and used city workers to install a driveway apron at 914 Flamingo Drive, his personal residence, on Friday, May 28, 2004. He called the office of the Commissioner of Public Works on the day his driveway was being poured and asked for help in installing the driveway apron. Council member Maddox told the deputy commissioner's assistant and the public works supervisor that he was calling about his own driveway and needed the job done before the weekend.
2. Neither Council member Maddox nor the Department of Public Works followed city policy that permits the public at large to engage city services and materials for installing a driveway apron.
  - a. The work was done on the same day it was requested.
  - b. The work was not the result of an emergency, street work, or damage caused by the city or its employees.
  - c. The work was done without a permit or work order.
  - d. The work was done without prior payment.
  - e. A cost estimate was not performed until two weeks after the job was completed.
3. Because city policy requires payment in advance, the department did not have an established procedure for billing a customer for work after the job was completed.
4. The department paid five employees two-and-a-half hours of overtime pay for the job, which was performed at the beginning of the Memorial Day holiday weekend. The work began within hours of Council member Maddox's initial request, started at the end of the employees' normal work day, and continued into the evening hours.
5. Council member Maddox has failed to adequately compensate the City of Atlanta for his personal use of city services and materials.

- a. He did not pay for the city's services and materials for two years, writing a check on May 25, 2006, the day before the Law Department's investigation was reported by a local television station.
- b. He failed to pay interest on his past due costs and did not pay the cost of overtime pay for city workers.

### **Conclusions of Law**

6. The Code of Ethics prohibits city officials from requesting or using city property for their own private advantage or personal use. See Atlanta, Ga. Code § 2-811. There is an exception to this general prohibition that permits city officials and employees to use city-owned property when city policy permits members of the general public to use the property.
7. This public use exception does not apply to the installation of the Council member's driveway apron. The general public may not engage the services of Public Works employees and materials unless the city damages the citizen's property or the citizen obtains a permit and pays in advance for the work.
8. Council member Maddox violated section 2-811 of the Code of Ethics by requesting and using publicly owned equipment, labor, and services for his own private advantage and on terms not available to the public at large.

### **Discussion**

Section 2-811 in the Code of Ethics prohibits city officials and employees from requesting or using city property for their own private advantage or personal use. There is an exception that allows city officials and employees to use city-owned property when city policy permits use of the property by the general public. The relevant provision states:

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity. However, no official or employee is prohibited from requesting, using or permitting the use of any city-owned or city-supported property, vehicle, equipment, material, labor or service which as a matter of city policy is made available to the public at large.

The Board of Ethics in its first formal advisory opinion concluded that a city official is not entitled to a waiver or reduction of any fee for the personal use of city property, except on the same terms available to the general public. See FAO 2003-1 (no waiver of rental fees for personal use of public property).

City policy outlines five different methods for citizens to obtain sidewalk improvements and repairs: petition to city council, condemnation, private contractors, council action, and advanced payment. See Exh. A. In addition, employees in the Department of Public Works say they sometimes install driveways and driveway aprons for city residents to repair damage that the city causes through its work on the streets or sewer system; the city does not charge the residents for this repair work. The apron is part of the public right-of-way, located adjacent to the sidewalk, and connects the driveway to the street.

To construct a driveway apron, individual citizens may contract with a private contractor or with the city. Under the first method of construction, the private contractor obtains a permit from the city to work in the public right-of-way and then gets approval from a city inspector prior to pouring the concrete. See Code § 138-98. If a person constructs a driveway or sidewalk without obtaining a permit, the city may condemn the construction and have it removed and replaced at the owner's expense. See § Code 138-99. Under the second method, the commissioner of public works has the authority to construct sidewalks, driveway aprons, or curbing "after receiving cash payment in advance for the construction work." Code § 134-51. The citizen applies for a permit, an inspector visits the site to estimate the cost, the citizen pays for the job in advance, the department issues a permit, and the transportation office places a work order for the job. (*Interview with Johnnie Moore, Public Works Manager*)

In this case, Council member Maddox did not follow the proper city policies and procedures for constructing his driveway apron. First, there is no evidence that the city damaged the Council member's property, driveway, apron, or sidewalk or that any emergency existed. A work order report shows that Public Works Manager Johnnie Moore authorized the work due to a "safety hazard." When questioned by a news reporter, Council member Maddox said it "was urgent to me to get in and out of my house sitting behind my garage." (*Transcript of Fox 5 News Report*) Yet, there is no evidence that a hazard existed other than the one caused when the Council member's contractor excavated the dirt in the area where the driveway apron would be located.

Second, the Council member's private contractor did not have the necessary permit to install the driveway apron. Mr. Maddox's building permit dated December 16, 2003, covered an addition to his house; the accompanying blueprint drawing shows a proposed garage expansion. Mr. Maddox says his son did the work, but he hired a private contractor to pour the driveway. The building permit did not grant any right to work in the public right-of-way. Since city employees said the area for the driveway apron was already excavated when they arrived, the excavation work appears to have been done without the proper permit to work in the right-of-way.

Third, there is no evidence that Council member Maddox followed city policy for using city employees, equipment, and materials to install a driveway apron.

- Mr. Maddox did not make a payment in advance for the construction work.
- There was no city work order for the job at the beginning of the workday on Friday, May 28, 2004.  
*(Interview with Luther Dennis, street maintenance crew supervisor)*
- Council member Maddox called Commissioner David Scott's office on May 28, and the Commissioner's assistant referred the call to Public Works Manager Johnnie Moore. Mr. Moore called the street maintenance area supervisor and concrete plant supervisor about the job around 3:30 p.m. The call came in to the area supervisor as urgent.  
*(Interviews with Stanley Cloud, street maintenance area supervisor, and Rodney Poole, concrete plant supervisor)*
- The area supervisor did not have a permit or work order for the job.  
*(Interview with Stanley Cloud)*
- There was no work order number given to the supervisor at the city concrete plant or the concrete truck driver.  
*(Interviews with Rodney Poole and Kinney Mitchell, equipment operator senior)*
- The cost estimate was not completed until after the city installed the driveway apron.  
*(Law Department Investigative Report, Exh. 14 and 15).*

Finally, Council member Maddox made clear that he was calling about his own driveway and that he wanted the job done quickly. *(Interview with Linda Deloach, executive assistance to deputy commissioner)*

On May 25, 2006, two years after the work was done, Mr. Maddox gave the city a check in the amount of \$840.24 for installing the apron. *(Interview with Johnnie Moore)* In making his payment, Mr. Maddox said that he never received any bill or other communication from the department and apologized for any oversight on his part. See Exh. B. The following day, Fox 5 News reported that Mr. Maddox used city employees for the construction job at his personal residence for which the employees received overtime pay.

There is some discrepancy in the department's records on the cost of the job. A cost summary report run on June 2, 2004 shows a total cost of \$891.33 for the job; that figure is based on a cost of \$650.72 for materials, \$56.35 for vehicles, and \$184.26 for labor. The price was later reduced. A memorandum from Public Works Manager Johnnie Moore III to Council member Maddox, dated June 11, 2004, stated that Mr. Maddox owed \$840.24 based on a cost of 218 square feet at \$3.89 per square foot. This payment did not cover the costs of the two-and-a-half hours of overtime pay given city workers for their work on the job. *(Interview with David Scott)*

Although Commissioner Scott stated that his department sent letters to Mr. Maddox at his office throughout the two years in an attempt to collect the outstanding bill, the Commissioner did not provide any copies of that correspondence to the Ethics Office's investigator. No member of Council member Maddox's staff recalled receiving any bill for the work. (*Interviews with Shean Atkins and Janet Short*)

### **Conclusion**

Council member Maddox violated the prohibition against the personal use of public property. He requested and used city workers, equipment, and materials to install a driveway apron at his personal residence on terms that are not available to the public at large and that violated the city's policy on construction of driveway aprons. He failed to pay the city for the construction work for two years, writing a check just a day before a local television station ran a news report on the Law Department's investigation. His payment failed to cover the total costs that the city incurred for the job since he did not pay any interest on the amount he owed for two years or the cost of the overtime pay given to city workers because the work was performed after the normal work day.

### **Supporting Documents**

- Exhibit A     (Law Department Exhibit 08)  
Department of Public Works, Sidewalk Improvements or Repairs  
Can Be Obtained By the Following Methods
- Exhibit B     Letter from Jim Maddox to David Scott dated May 25, 2006
- Exhibit C     Investigative Report Ethics Office Case CO-06-006
- Exhibit D     Law Department Investigative Report Case No. CI 2004-0023



SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
68 MITCHELL ST, SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6245  
FAX (404) 658-7379  
email: publicworks@cityofatlanta.ga.us

DEPARTMENT OF PUBLIC WORKS  
David E. Scott, P.E.  
Commissioner

**SIDEWALK IMPROVEMENTS OR REPAIRS CAN BE OBTAINED BY THE FOLLOWING METHODS:**

1. **By Petition:** Citizens may petition City Council to have sidewalks installed or replaced along their street. The petition should include a general description of the improvements requested: the street(s) or part thereof where sidewalk improvements are desired. **In accordance with section 134-26 of the Atlanta City Code.**

All petitions must be signed in ink by the owners of the property who are responsible for the assessment or by their duly authorized agents.

The petition for sidewalk improvements will be considered if the signatures of the abutting property owners represent the majority of the linear feet of frontage where sidewalk is to be constructed.

**The process is as follows:**

1. The petition should be delivered to the Department of Public Works, Office of Transportation, City Hall South, Suite 4900, Atlanta, Georgia 30335.
2. After receipt of the petition the Office of Transportation will poll the effected property owners giving each an estimated assessment cost.
3. If the poll demonstrates that the majority of frontage is represented by an affirmative response to the polling, an ordinance will be presented to the city Utilities Committee for consideration.
4. Each property owner who will be subject to assessment will be contacted by mail as to the date and time of a public hearing, at which time the citizens are encouraged to speak on this issue. If passed by committee, the ordinance will be sent to full council for consideration.
5. When the ordinance authorizing the construction of the petition sidewalk completes the legislation process, the construction of the sidewalk can then begin.

EXHIBIT

A

6. After completing the sidewalk construction, final assessments will be calculated and forwarded to the Chief Financial Officer for billing.
2. **By Condemnation:** When sidewalks are inspected and are found to be in a unsafe and/or unsuitable condition for pedestrian use, the abutting property owner will be notified as to the condition of the sidewalk and the property owners responsibility for maintaining the sidewalk in a suitable condition. The citizen will further be advised as to the cost for the City to make the necessary repairs. The condemnation procedure is as follows: **In accordance with section 138-103 of the Atlanta City Code.**
  1. If a refusal to comply or no response is received after ten (10) business days, Condemnation legislation will be prepared and forwarded to the City Utilities Committee for consideration.
  2. The abutting property owner will be contacted via certified mail that the sidewalk in front of their property is unsafe or unsuitable for public travel, and are encouraged to be at the committee meeting for a public hearing.
  3. If the resolution passes through the committee, the legislation is then forwarded to full council for their consideration.
  4. After an affirmative council action, the paper will be sent to the Mayor's desk for signature.
  5. When the legislative process is completed, a work permit will be issued and the sidewalk repairs will be constructed.
  6. After completion of the sidewalk repairs, the amount of the Assessment will be compiled and forwarded to the Chief Financial Officer for billing.
3. **By Private Contractors:** Citizens by contract with a private contractor to construct sidewalks, curbing and driveways across the sidewalk of the City are subject to the following conditions. **In accordance with section 138-98 Atlanta City Code.**
  1. That the contractor obtains a "Qualified Contractor" permit to work in the public right-of-way;
  2. That the contractor(s) possess a business license;
  3. That the contractor carries general liability insurance (\$3,000,000) that protects the City;
  4. That the work to be performed in accordance with the specifications approved by the Commissioner of the Department of Public works and within the established lines and grades of the city;

5. That the contractor(s) notify the Department of Public Works to obtain an inspection prior to placement of concrete.

For addition information, contact the Office of Transportation 68 Mitchell Street, City Hall South, Suite 4900, Atlanta, Georgia 30335 at (404)330-6501.

4. **By Council Action:** the City Council may cause sidewalks to be installed by Legislation solely within its discretion and in the absence of petition from the abutting property owners who will assess the cost of the improvements or repairs. **Accordance with section 134-27 of the Atlanta City Code.**
5. **Advanced Payment:** the Commissioner of the Department of Public Works is authorized to construct sidewalks, driveway apron, and/or curbing after receiving a cash payment or pro-approval for a Community Development Block Grant in advance for the construction of the work. For additional information, contact the office of Transportation 68 Mitchell Street, City Hall South, Suite 4900, Atlanta, Georgia, 30335. **In accordance with section 134-51 of the Atlanta City Code.**

James F. Maddox, Sr.

914 Flamingo Drive, SW Atlanta, GA 30311

May 25, 2006

Mr. David E. Scott, P.E.  
Commissioner, Dept. of Public Works  
City of Atlanta  
55 Trinity Avenue, SW  
Suite 4700  
Atlanta, GA 30303

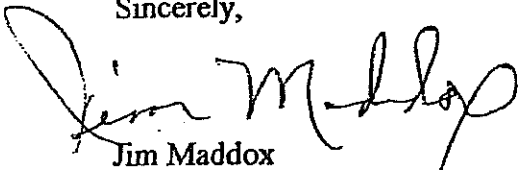
Dear Commissioner Scott

I am in receipt of your letter dated May 25, 2006 making request for payment in the amount of \$840.24 for work done at 914 Flamingo Drive, SW. I never received the communication you indicated sent to my office, but I apologize for any oversight on my part.

Enclosed with this letter is a check in the amount of \$840.24 for the apron installed. In the future, if your department does any work at my property, all bills should be sent to my home address.

I pride myself in being a good and honest public servant and always intend to do what is proper and right.

Sincerely,

  
Jim Maddox

EXHIBIT

B



## CITY OF ATLANTA

### INVESTIGATIVE REPORT ETHICS OFFICE CASE CO-06-006

#### Overview

**Case:** CO-06-006

**Person under investigation:** Council member Jim Maddox, District 11

**Allegation:** Mr. Maddox violated section 2-811 of the Code of Ethics when city workers paved the apron of Mr. Maddox's driveway in violation of city procedures and policies and he failed to pay the city for these services for nearly two years.

**Applicable law:** Sec. 2-811. Use of property and services.

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity. However, no official or employee is prohibited from requesting, using or permitting the use of any city-owned or city-supported property, vehicle, equipment, material, labor or service which as a matter of city policy is made available to the public at large or which is provide as a matter of stated public policy for the use of officials and employees in the conduct of official city business.

**Witnesses:** Jim Maddox, Council member  
Shean Atkins, Chief of Staff for Council District 11  
Janet Short, Senior Aide to Council member Maddox  
David Scott, Commissioner, Public Works  
Linda Deloach, Senior Administrative Assistant, Public Works  
Stanley Cloud, Acting Assistant Chief Information Officer, Public Works  
Office of Transportation  
Kinney Mitchell, Treatment Supervisor, Watershed  
Johnnie Moore III, Public Works Manager Senior  
Luther Dennis, Street Maintenance Crew Supervisor, Highways and Street Division  
Rodney Poole, Water Distribution Supervisor.

**Investigator:** Claudia Janka

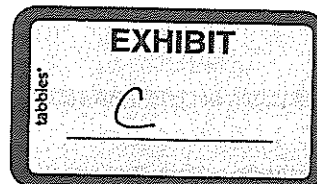


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## **I. Basis for Investigation**

On July 25, 2006 the Ethics Office began a preliminary investigation into allegations that Council member Jim Maddox violated section 2-811 of the City of Atlanta Code of Ethics after learning about a 2004 Law Department investigation. The Law Department's investigative report indicated that Mr. Maddox had his driveway apron paved by city employees and failed to pay for this service for nearly two years. The Ethics Office had received an anonymous tip about the incident in early 2006 from a citizen who overheard a conversation between two city employees in a restaurant, but the caller had no knowledge of specific details and did not provide sufficient information to investigate at that time.

On June 21, 2004, an investigation was initiated by Internal Investigator Joe Smith of the Law Department after Mayor Shirley Franklin's *Mayor's Night-In for City of Atlanta employees*. Public Works employees had voiced their concerns about Mr. Maddox having his driveway paved by city employees and not paying for the service.

On May 25, 2006, Fox 5 News broadcasted a story regarding Mr. Maddox and how he used city employees on overtime to complete a construction job on his driveway. Fox 5 also reported that Mr. Maddox paid for the work done on his driveway on May 24, 2006, nearly two years after the work was completed.

## **II. Narratives of Interviews**

### **Interview - Linda Deloach**

I interviewed Linda Deloach, Senior Administrative Assistant, Public Works on August 2, 2006. In 2004, Ms. Deloach was working as an Executive Assistant to Sandra Jennings, Deputy Commissioner, Office of Public Transportation. Ms. Deloach had some recollection of the incident involving Mr. Maddox, but could not remember all the details. Ms. Deloach recalled receiving a phone call from Mr. Maddox trying to contact Johnnie Moore, Public Works Manager Senior. Ms. Deloach stated that she may have had several conversations with Mr. Maddox regarding his driveway, but was unsure of the conversations. She recalls Mr. Maddox wanting to make sure the work was done and done correctly. Her basic duties that day were to make sure Mr. Maddox contacted Mr. Moore.

### **Interview - Johnnie Moore**

On August 4, 2006, I interviewed Mr. Moore regarding this incident. In 2004, Mr. Moore was promoted to his current position as Public Works Manager Senior. Mr. Moore recalls receiving a phone call from Mr. Maddox in May 2004, stating that he was preparing his driveway and had put work orders in to have the driveway done as well as the apron. Mr. Maddox told Mr. Moore that there were contractors at his house trying to get the work completed before Memorial Day weekend because he was having guests.

Mr. Moore said that he sent a crew to Mr. Maddox's house, installed the driveway, and then it began to rain. He said it rained heavily and they had to cover the driveway with plastic so the rain would not damage the newly poured cement. Two hours later he sent his crew back out to Mr. Maddox's house to refinish the cement because of the rain and this caused his crew to work overtime.

Mr. Moore stated that once the crew had finished, he returned to his office and called Commissioner Scott to notify him about the job. Mr. Moore had checked to see if Mr. Maddox had paid and there was no record of payment or any work order for the project. According to Mr. Moore, the usual process for a driveway apron would be for Mr. Maddox to apply for the permit, an inspector would measure the apron to determine how much it would cost, and then the customer would pay the city in advance before the work has commenced. Once the fee is paid, the permit would be issued for the work. Mr. Moore admitted he was unaware at the time that a customer had to pay in advance before any work is done on a driveway.

The job was completed on the Friday before Memorial Day Weekend. Mr. Moore stated that he was sitting outside Commissioner Scott's office door on the following Tuesday to ask him about the work that was done to Mr. Maddox's driveway and to inform the Commissioner that Mr. Maddox had not paid for the work. Mr. Moore said there were emails sent to Mr. Maddox from Commissioner Scott asking for payment. An email dated June 4, 2004 from Mr. Moore to Sandra Jennings describes how Mr. Maddox had called stating that he was pouring his driveway and needed the city side done. Mr. Moore was instructed by Sandra Jennings in the email to bill Mr. Maddox for the driveway installation.

After several days had passed, Mr. Moore still had not received the permit for Mr. Maddox's driveway. When Mr. Moore did not receive the permit, he knew that Mr. Maddox had not paid. Mr. Moore notified his supervisor that the bill was not paid and asked for somebody to talk to Mr. Maddox about not paying. On one occasion Mr. Moore said he received a phone call from Commissioner Scott inquiring whether Mr. Maddox had paid yet. It is unknown what happened after Mr. Moore advised the Commissioner of the non-payment.

I asked Mr. Moore if he would have acted as quickly if a citizen were to call to have his driveway completed. Mr. Moore said:

I think that because it was a Council person and he called me direct and he was emphasizing that he was trying to get his driveway done for the weekend. But was just thinking well saying well okay well we can accommodate this Council person it shows good gesture but I didn't look at it well I'm doing a special favor for him or anybody else.

Mr. Moore said he had sent a letter interoffice by courier to Mr. Maddox requesting payment for the driveway installation which Mr. Maddox said he never received. Mr. Moore could not provide me with the name of the courier who took the letter to Mr. Maddox's office.

I asked Mr. Moore if there were any reprimands given out due to this incident and he said that Commissioner Scott gave him a verbal counseling for not following proper procedures.

#### **Interview - Luther Dennis**

On August 11, 2006, I interviewed Luther Dennis, Street Maintenance Crew Supervisor. Mr. Dennis has been in that position for fourteen years and his workday is usually 8AM-4PM. On May 28, 2004, he received a call from Stanley Cloud, who was working then as a street maintenance area supervisor. Mr. Dennis was told to meet Mr. Cloud at 914 Flamingo Drive and that he was going to have to work overtime. When Mr. Dennis arrived, he saw Mr. Maddox and observed that the driveway apron had already been dug up. All he needed to do was install the boards in front of the apron, and another crew would pour the concrete. These events occurred after Mr. Dennis's normal working shift.

I asked Mr. Dennis if he felt this was a rush job and he replied that he assumed it was ASAP (as soon as possible) because his supervisors told him to come to that location instead of going back to the plant. Mr. Dennis stated that he accrued approximately 3.5 hours of overtime.

I asked what circumstances would constitute an emergency driveway job. Mr. Dennis said if the city was working on the roadway and damaged a driveway, the city would immediately repair it. Mr. Dennis also added that he has not worked many jobs where a private contractor has dug up a driveway and the city came out to pour the cement for the apron. Based on his knowledge, the only time that the city pours cement for the apron is when the city damages the driveway.

### **Interview - Stanley Cloud**

On August 11, 2006 I interviewed Stanley Cloud, the Acting Assistant Information Chief in the Office of Transportation. In May 2004 he was the Street Maintenance Area Supervisor. Mr. Cloud said that on May 28, 2004, he was finishing up his duties for the day when he received a call around 3:30PM from Mr. Moore. Mr. Moore advised him to bring his crew to 914 Flamingo Drive to install a driveway and that the cement crew was on their way to that location. Mr. Cloud's normal shift ends at 4:30PM.

Mr. Cloud and his crew arrived to form the driveway apron and wait on the concrete. Private contractors had already dug the driveway apron. Once the concrete arrived, the city workers installed the driveway apron and finished the job.

Mr. Cloud said that the call did come in as urgent and Mr. Moore requested that they come to that location now. When I asked Mr. Cloud if he and his crew had to return to the location after it had rained, he replied that the only thing he had to do when he returned was remove the boards from the driveway apron and remove barricades.

I asked Mr. Cloud if there was a work order for this job and he said that he did not have a work order and did not question why he had to go out to do this job because it was at his supervisor's request. He said that he thought it was a permit job and the permit was coming later. I inquired whether this was normal for the city to go out and complete driveway aprons after a contractor had started the job. Mr. Cloud said that they normally did not receive calls like this and, if they have a driveway apron job, they do the work from start to finish, including excavating.

Mr. Cloud did recall it had rained that day, but his crew placed plastic over the cement so the rain would not damage the driveway apron. Mr. Cloud said that he and his crew did not have to return to that location to refinish the cement as previously indicated by Mr. Moore.

### **Interview - Kinney Mitchell**

On August 23, 2006 I interviewed Kinney Mitchell, Watershed Treatment Supervisor. His position on May 28, 2004 was Equipment Operator Senior and he operated the concrete truck. Mr. Mitchell had completed his daily runs when his supervisor Rodney Poole told him to take concrete to Flamingo Drive and that he would be on overtime. It seemed as if Mr. Poole needed him to go to that address right away. Mr. Mitchell's only responsibility that day was to drive the cement truck to Flamingo Drive, pour the cement, and leave. He did not know whose house it was until he observed Mr. Maddox sitting in the carport.

Mr. Mitchell stated that he did not have a work order for that job and Mr. Poole had written the address on a piece of paper and given it to him. Mr. Mitchell stated that he usually has a work order before he goes out to pour concrete. When Mr. Mitchell arrived at Mr. Maddox's house, he observed that there was fresh concrete that had been poured around the back of the house and wondered why the contractors had not finished the entire driveway.

#### **Interview - Rodney Poole**

On August 29, 2006, I interviewed Rodney Poole, Water Distribution Supervisor. At the time of the incident Mr. Poole was a supervisor in the city's concrete planning division. Mr. Poole has been employed by the city for approximately 13 years and was transferred to Watershed in June 2006. According to Mr. Poole, in May 2004 he received a phone call from his supervisor Mr. Moore. Mr. Moore asked him to stay over and work overtime because of a job on Flamingo Drive. Mr. Poole waited at his worksite until he got the call from Mr. Moore around 5:00 or 5:30 PM. He was told to load up the trucks with cement and send Mr. Mitchell out with the truck.

Mr. Poole never went out to the site himself, but was working as a dispatcher that day. He also remembered that he did not receive a work order for the job on Flamingo Drive, which is a mandatory requirement before sending a cement truck to a job. I asked Mr. Poole if it was a normal practice for the city to cement driveway aprons for citizens, and he replied no.

#### **Interview - Commissioner Scott**

On August 30, 2006, I interviewed David Scott, Public Works Commissioner. He said that he was not notified of the work being done to Mr. Maddox's driveway until shortly after the driveway was completed. When he learned Mr. Maddox had not paid his bill, he instructed his staff to send a letter to inform Mr. Maddox that he had an outstanding bill.

When asked about any type of policy that was in place regarding notification to the Commissioner when city employees come in contact with Council members, he replied, "Not necessarily. The policy for any constituent, any customer, any resident of the City of Atlanta is to come into the Department of Public Works, request a driveway apron, [and] a work order is pulled. The customer then pays for that work to be done and the City goes out and does the work." He added that the customer is supposed to pay prior to the work being done.

Commissioner Scott said that Mr. Maddox was having work done to his driveway and wanted to coordinate that work with the replacement of the apron. So Mr. Maddox called the department directly to request that service and spoke with Deborah Shaper who was the Commissioner's assistant at the time. I asked Commissioner Scott if there was a reason that Mr. Maddox never paid in advance and received the permit. He could not answer that question directly, but said that he assumed it was because Mr. Maddox was getting work done on his driveway and wanted the apron done at the same time. He said it is not unusual to have your driveway apron done by the city if you plan ahead.

When asked about billing procedures, Commissioner Scott explained that there was no mechanism in place for collection. He started sending out letters to Mr. Maddox stating that he owed the money and had departmental staff check to see if Mr. Maddox had paid. When the bill did not get paid, Commissioner Scott's staff would send out another letter stating that the bill was still outstanding. There was no formal collection process.

Commissioner Scott stated that his department sent a letter out immediately to Mr. Maddox requesting payment and then there were letters to follow up throughout the two years. I requested copies of the additional letters, but his department was unable to produce them. Commissioner Scott also stated that he spoke directly to Mr. Maddox and Mr. Maddox said that he may have received the initial letter, but that was several years ago and he did not receive the last letter. A final letter was sent and Mr. Maddox paid the bill. According to Commissioner Scott, the bill was for material and labor only for a total of \$840.24. It appears that the overtime was not added to the bill.

#### **Interview - Janet Short**

On August 31, 2006 I interviewed Janet Short, Senior Aide to Mr. Maddox. Ms. Short handles phone calls, greet visitors, and handles complaints that come into the office. Ms. Short handles all Mr. Maddox's mail by opening it, stamping it, and placing it on his desk. She does not recall any bill or departmental correspondence coming to Mr. Maddox's office. I asked Ms. Short if she recalls Mr. Maddox having his driveway done and she did not recall anyone mentioning it. She was not aware of the incident until a couple of months ago prior to this interview.

#### **Interview - Shean Atkins**

On August 31, 2006, I interviewed Mr. Maddox's Chief of Staff, Shean Atkins. Mr. Atkins has worked in this capacity for approximately nine years. His main responsibilities are the day-to-day operations of the councilman's office, managing office personnel, drafting legislation, and handling constituent complaints.

I asked Mr. Atkins if he recalls Mr. Maddox having his driveway apron done by the city and he said that he had no knowledge of that job. He first heard of Mr. Maddox having his driveway apron paved when someone asked him a few months earlier if he ever received a memo, which he did not.

Mr. Atkins explained that Ms. Short handles the mail in the office. Ms. Short's responsibility is to pick up the mail, open it, and prioritize it by placing the most important piece on top down to the least important. When Mr. Atkins opens the mail, he gives anything of a personal nature to Mr. Maddox. He added that inter-office mail goes through the mail room and someone will pick it up from there.

During the interview Mr. Atkins had a copy of the Law Department's investigative report and said that he knew nothing about this case. He was unsure if he had missed something in regard to the mail. Near the end of the interview, Mr. Atkins admitted that this case caught him by surprise. He said that the Councilman did not discuss the case with him or any office staff.

#### **Interview - Jim Maddox**

On October 23, 2006, I interviewed Council member Maddox regarding this incident. Mr. Maddox has been a council member in Council District 11 for approximately 24 years. Present during the interview were Mr. Maddox's attorney, Roy Barnes, and Trina Nkhazi, the Ethics Office's Administrative Analyst Senior. I asked Mr. Maddox to give his story regarding his driveway apron.

Mr. Maddox explained that he has had a lot of thefts at his house as well as his wife's tires stolen off of her vehicle. He decided to enclose the carport and asked his son to help him. He

had an architect draw up plans and applied for the permit to enclose in the carport. A private contractor poured the driveway for him and the driveway was wider so it did not match up to the apron which is on city right of way.

According to Mr. Maddox, the contractor could not go beyond the city right of way and he had to get the apron poured for his wife and him to use their driveway. He called the commissioner's office and stated that he needed help getting the driveway poured because the other portion of the driveway was already starting to set.

A crew was sent out to finish the driveway apron and Mr. Maddox was waiting for the bill. According to Mr. Maddox, the bill should have been sent to his home since this was a private matter, but instead the bill was sent to his office. Mr. Maddox maintains that he never received the bill. He recently went to the commissioner's office to inquire about the bill, wrote a check, and paid the bill in full. I commented that the payment was two years after the fact and Mr. Maddox disagreed. He said:

No, it wasn't two years after the fact. The driveway was poured I think I completed the work sometime in '04. But that was the beginning of my campaign as well. They were supposed to send me the bill and waiting you know you just forget. I'm being busy with my campaign and I didn't even think about it to be quite honest with you as far as that is concerned. That was an oversight on my part in terms of not remembering. I hadn't gotten the bill. Cause you don't wait until the year of the campaign to start campaigning. I started in 2004.

I asked Mr. Maddox why his contractor did not get a permit for the entire driveway and he could not answer that. He then said that the apron was a different grade of cement and that his contractor could not pour that part. He added the city has different criteria for that. On October 26, 2006 I contacted Mr. Moore to ask about different grades of cement. His response was, "The customer pays for standard cement only."

According to the Law Department's report, Mr. Maddox said the city had messed up his driveway and they needed to come out and repair it. Mr. Maddox denied making that comment, but said that he remembered that he could not get in his driveway.

I told Mr. Maddox I had interviewed city workers who had been doing this type of job for years and they said that it was not normal for the city to do driveway aprons unless the city caused damage to the resident's driveway. Mr. Maddox's response was that the city was doing some type of grading on the street.

Based on my interviews with Public Works employees, there was no roadwork on Flamingo Drive at that time and the apron had already been dug up by Mr. Maddox's private contractors. In addition, if the city had damaged the driveway apron, the city would dig up the apron and do the complete job.

I asked Mr. Maddox why he did not follow up on making payment, knowing that the driveway was completed and that there was an outstanding bill. He said he was waiting for Public Works to send him the bill and he never received it. He added that it may have been his fault because he was so consumed with campaigning and did not think about it anymore.

I asked Mr. Maddox what effort he made in paying the bill and he said:

It might be an oversight on my part in that I didn't, you know, I didn't get the bill and I got tied up in my stuff and I forgot it but as soon as I found out the amount I paid it. But if I had gotten it—if they had said write the check for this when the man come out there to pour it I would have paid it. Never was a question about money. It was never anything on my part for them to do something for nothing.

After interviewing Public Works employees, they indicated that they were led to believe that this job was an emergency job. I asked Mr. Maddox if this was an emergency and he referred back to the thefts at his house and the fact that he had to get into his driveway. He said it was a high jump from his driveway to the street and the reason he had to build the carport was he feared someone would steal his cars.

In his May 25, 2006 interview with Fox 5 News, Mr. Maddox was asked what made his driveway an emergency. He replied, "It was urgent for me to get in and out of my house sitting behind my garage."

### Findings

On May 28, 2004, Council member Jim Maddox had city employee's complete work on his driveway apron at 914 Flamingo Drive where he resides. On that day he called the Public Works office, implying that it was urgent to have city workers come out and pour the cement to finish his driveway apron. Neither Mr. Maddox nor his private contractor obtained the proper permit for this job, and Mr. Maddox did not pay for the job before it was done.

Once the job was completed, Mr. Maddox said he was waiting for the bill, but did not make a diligent effort to pay the bill or contact Public Works about his bill. A letter was sent to Mr. Maddox about payment, but he said he did not receive it. It was not until May 25, 2006 that Mr. Maddox paid his bill. This was two years after the work was done and one day prior to a Fox 5 News report that Mr. Maddox had his driveway completed by city workers, who were paid overtime. Mr. Maddox was billed and paid for the labor and materials for the job, but did not pay for any overtime pay that the city incurred.

There are inconsistencies in Mr. Maddox's recollection of the events that occurred in May 2004. He said that the reason he had the city complete his driveway apron was because it was a different grade of cement. I confirmed the city does not use a different grade of cement. Then Mr. Maddox said that the city was doing roadwork near his driveway. The witnesses I interviewed said there was no roadwork being done in that area.

### Conclusion

Based on the facts and witnesses presented, Mr. Maddox is in violation of section 2-811 of the City of Atlanta Code of Ethics. Mr. Maddox used his position as a council member to expedite the completion of his driveway without following city policy. The policy states that in order for a private citizen to have the City construct a driveway apron there are certain procedures that must be followed. An inspector must come to the location and assess the job site. The inspector takes measurements, a drawing is completed, photographs are taken and a cost estimate is provided to the Department of Public Works and the homeowner. If the homeowner accepts the estimate, an advanced payment for the construction work must be submitted to and collected by the Department of Public Works. After payment is received, the work may commence.

Not only did Mr. Maddox fail to follow these procedures, city employees were used on overtime to complete the driveway apron at his personal residence. If Mr. Maddox had been a citizen and not a council member, there would not have been a need to expedite this project and a citizen would not have had the work done unless an advanced payment was made to the city and a permit was obtained. Mr. Maddox was negligent in paying the city's bill and did not make an effort to pay the debt within a reasonable period of time.

### Exhibits

Transcript from Fox 5 News, May 26, 2006.

Memo from Ginny Looney to Councilman Jim Maddox dated July 25, 2006

Email dated October 26, 2006 from Johnnie Moore to Claudia Janka

AS AIRED ON FOX 5 NEWS

**IN RE:** Fox 5 News Report regarding Councilman James Maddox

Affordable Quality Transcription  
PO BOX 17743  
Atlanta, GA 30316  
(770) 948-7796

1  
2 Legend of transcript:

3 [ ] Exact spelling unknown OR slightly inaudible  
4 -- Break in speech continuity

5  
6 {report begins at 6:15p.m.}

7  
8 ART FRANKLIN: Alright Jeff. Thanks a lot. The City of  
9 Atlanta's Law Department has launched an investigation into the  
10 way Councilman Jim Maddox used City employees to work on a  
11 driveway at his home. In this exclusive report Fox 5 has  
12 obtained the details of the investigation. Employees were  
13 ordered to rush to the Council member's home to do work and got paid  
14 overtime. Fox 5's Morse Diggs has the story.

15  
16 MORSE DIGGS: Investigators prepared this report in an effort to  
17 find out how City employees were used to complete a construction  
18 job for Jim Maddox, the veteran City Councilman. Maddox  
19 acknowledges calling the Commissioner's Office to see if he could  
20 get his driveway completed. He called for a City crew to come  
21 out and pour concrete on the portion known as the apron - the  
22 section that leads to the street.

23  
24 COUNCILMAN. MADDOX: I, I just wouldn't allow the City to come on  
25 my personal property and do anything that's improper.

26  
27 MORSE DIGGS: According to this report City employees told  
28 investigators Maddox gave conflicting reasons about what had to  
29 be done and why it had to be done right away. For any driveway  
30 job in the City of Atlanta there are rules. Option 1, a private  
31 contractor can pour an entire driveway but first a City permit  
32 must be obtained to complete that portion leading to the street or apron. Option 2, residents can  
33 request the City do the apron but first measurements have to be taken, a fee is assessed and  
34 payment made before any work is done. There's no dispute the City crew was dispatched to the

1 Councilman's residence. They worked after normal hours and received overtime to complete  
2 this driveway. The Law investigation includes the following explanation Maddox reportedly  
3 gave one employee for needing his driveway completed immediately: The Councilman stated to  
4 her that he needed the City to come back out to finish his driveway because the City had messed  
5 up the driveway and needed to return to repair the damage. He wanted to know if someone  
6 could come out today but there's nothing in the report indicating that such a scenario ever  
7 occurred. In another account, a worker told investigators the Councilman needed City  
8 involvement because his private contractor did not have the required permit to pour concrete all  
9 the way to the street. I asked the Councilman about his appeal to the Public Works  
10 Commissioner, what made his driveway and emergency?

11

12 COUNCILM. MADDOX: It was urgent to me to get in and out of my house sitting behind my  
13 garage you know.

14

15 MORSE DIGGS: The City sent a memo listing the fee in excess of  
16 \$800 Maddox owed for the driveway apron. He says he didn't get  
17 the memo and did not pay the bill that's more than a year old.

18

19 COUNCILM. MADDOX: Soon as I found out I paid the bill. So the  
20 bill is paid.

21

22 MORSE DIGGS: Now the Councilman did give me a copy of a letter  
23 stating that he had paid the fee. The letter is dated yesterday  
24 and Art and Lisa I talked to the Public Works Chief. He told me  
25 some errors were made on the part of his staff. He says it was  
26 not an emergency and they should not have been paid overtime.

27

28 [end segment]



## CITY OF ATLANTA

**BOARD OF ETHICS**  
John D. Marshall, Jr., Chair  
Kenyatta Mitchell, Vice-Chair  
MaryAnne F. Gaunt  
Susan Housen  
Lawrence S. Levin  
John Lewis, Jr.  
Jacquee Minor

68 MITCHELL STREET SW, SUITE 3180  
ATLANTA, GEORGIA 30303-0312  
(404) 330-6286  
FAX: (404) 658-7720

**ETHICS OFFICE**  
Ginny Looney, Ethics Officer

# Memorandum

**To:** Councilmember Jim Maddox  
**From:** Ginny Looney  
**Date:** July 25, 2006  
**Re:** Ethics investigation

---

The Ethics Office is initiating a preliminary investigation into allegations that you violated section 2-811 of the Code of Ethics. This investigation is based on the allegations that city workers paved the apron of your driveway in violation of city procedures and policies and that you failed to pay the city for these services for nearly two years.

Attached are the Rules of the Board of Ethics which set out the procedures that my office will follow. The ethics and audit office investigator will interview both you and the employees involved in the work. Next, my office will prepare a written report on the investigation to present to the board. You will be sent a copy of the report and be given the opportunity to file a written, sworn statement in response for the board to consider. At that point, the board will decide whether to dismiss the complaint or set the matter down for an enforcement hearing.

If you have any questions about the procedure, please let me know.

**Sec. 2-811. Use of property and services.**

No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the private advantage of such official or employee or any other person or private entity. However, no official or employee is prohibited from requesting, using or permitting the use of any city-owned or city-supported property, vehicle, equipment, material, labor or service which as a matter of city policy is made available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official city business.

(Ord. No. 2002-27, § 1, 4-10-02)

**Claudia S. Janka**

---

**From:** Johnnie Moore III  
**Sent:** Thursday, October 26, 2006 9:57 AM  
**To:** Claudia S. Janka  
**Subject:** Re: Question/Ethics Office

The customer pays for standard concrete only

----- Original Message -----

**From:** Claudia S. Janka  
**To:** Johnnie Moore III  
**Sent:** Thu Oct 26 09:53:48 2006  
**Subject:** Question/Ethics Office

Mr. Moore,

Does the city use a different grade of cement on driveways or is it standard cement? And if it was different would it matter? I never heard of grades of cement.

Claudia Janka

Investigation Manager

Ethics Office and Office of City Internal Auditor

City of Atlanta

68 Mitchell Street, SW

Atlanta, Georgia 30303-0312

Direct Dial (404) 330-6205

Main (404) 330-6286

Fax (404) 658-7720

[cjanka@atlantaga.gov](mailto:cjanka@atlantaga.gov)

**FILE COPY**

# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

DEPARTMENT OF LAW  
68 MITCHELL STREET, S.W.  
SUITE 4100  
CITY HALL TOWER  
ATLANTA, GEORGIA 30303-3520  
(404) 330-6400 TELEPHONE  
(404) 658-6894 FACSIMILE  
[www.atlantaga.gov](http://www.atlantaga.gov)

LINDA K. DISANTIS  
CITY ATTORNEY

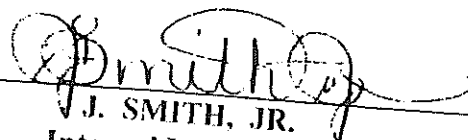


**INVESTIGATIVE REPORT**  
Case Number: CI 2004 - 0023

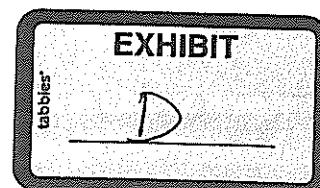
**IMPROPER USE OF CITY EMPLOYEES,  
EQUIPMENT AND MATERIAL**

Department of Public Works  
Office of Transportation  
Division of Maintenance

PREPARED BY:

  
J. SMITH, JR.

Internal Investigator  
City of Atlanta Department of Law  
Compliance Unit



**REPORT OF INVESTIGATION**

CASE NUMBER:

*CI 2004 - 0023*

PERSON(S) UNDER  
INVESTIGATION:

*JAMES (JIM) F. MADDOX, SR.*

DEPARTMENT:

*PUBLIC WORKS*

BUREAU:

*OFFICE OF  
TRANSPORTATION*

DIVISION:

*MAINTENANCE*

ALLEGATION:

*IMPROPER USE OF CITY  
EMPLOYEES, EQUIPMENT  
AND MATERIAL*

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## **I. OVERVIEW OF DEPARTMENTS**

*The Department of Public Works* enhances Atlanta's quality of life by providing public works services that maintain and improve the infrastructure and physical environment, utilizing a highly skilled and motivated workforce.

*The Maintenance Division of the Office of Transportation, Department of Public Works* provides quality maintenance and construction services for asphalt/concrete streets, unpaved streets, curbs, sidewalks, driveways, bridges, street signs, marking and traffic signals throughout the city.

*The Atlanta City Council* serves as the legislative branch of city government. It is comprised of fifteen (15) members and is presided over by the President of the Council. The Council adopts ordinances to establish city policy, law, and resolutions to express legislative intent. Councilman Jim Maddox serves as the District 11 councilmember.

## **II. ALLEGATION**

On Friday, May 28, 2004, a concrete driveway was poured at Councilman Jim Maddox's residential address utilizing city equipment and Department of Public Works employees who were provided overtime pay by the City of Atlanta for performing these services.

## **III. BACKGROUND**

On Monday, June 14, 2004, Mayor Shirley Franklin held "Mayor's Night In" for employees of the City of Atlanta. During this meeting, employees are allowed to voice their concerns as they relate to the operation of the City of Atlanta and it was during this meeting that employees of the Department of Public Works advised Mayor Franklin of the allegations surrounding Councilman Jim Maddox and the work performed at his residential address by the Department of Public Works. Accordingly, Mayor Franklin forwarded the allegations to the Department of Law and an investigation into the matter was initiated by the Department of Law's Compliance Unit.

## **IV. BASIS OF INVESTIGATION**

### **A. Persons Interviewed**

- 1.) **V. Dennard**, Installation Chief (Acting), Department of Public Works, Office of Transportation, Hill Street Eastside Installation, 1110 Hill Street, SE Atlanta, GA 30310  
Telephone (404) 658 - 7102

- 2.) **K. Mitchell**, Equipment Operator, Senior, Department of Public Works, Office of Transportation, Hill Street Eastside Installation, 1110 Hill Street, SE Atlanta, GA 30310  
**Telephone (404) 658 - 7102**
- 3.) **C. Hall**, Equipment Operator, Senior, Department of Public Works, Office of Transportation, Hill Street Eastside Installation, 1110 Hill Street, SE Atlanta, GA 30310  
**Telephone (404) 658 - 7102**
- 4.) **M. Millen**, Equipment Operator, Senior, Department of Public Works, Office of Transportation, Hill Street Eastside Installation, 1110 Hill Street, SE Atlanta, GA 30310  
**Telephone (404) 658 - 7102**
- 5.) **L. Dennis**, Street Maintenance Supervisor, Department of Public Works, Office of Transportation, Construction and Maintenance Section, Westside Facility, 1150 North Avenue, NW Atlanta, GA 30314  
**Telephone (404) 853 - 3200**
- 6.) **Jonnie Moore, III**, Manager, Department of Public Works 55 Trinity Avenue, SW Suite 4900 Atlanta, GA 30303  
**Telephone (404) 597 - 5246**
- 7.) **Dwayne Stocks**, Construction Inspector, Principle, Department of Public Works 55 Trinity Avenue, SW Suite 4900, Atlanta, GA 30303  
**Telephone (404) 597 - 5246**
- 8.) **Chris Gould**, Plant Manager, Thomas Concrete Company, Ben Hill Location, 2454 Daniel Road, SW, Atlanta, GA 30311  
**Telephone (404) 346 - 1220**
- 9.) **Samuel Oliver**, Construction Inspector, Senior, Department of Public Works, Street Operations Division, 55 Trinity Avenue, SW Suite 4350, Atlanta, GA 30303  
**Telephone (404) 330 - 6087**
- 10.) **Steve Warren**, Construction Inspector, Senior, Department of Public Works, Street Operations Division, 55 Trinity Avenue, SW Suite 4350, Atlanta, GA 30303  
**Telephone (404) 330 - 6087**
- 11.) **Larry Carter**, Construction Inspector, Principle, Department of Public Works, 55 Trinity Avenue, SW Suite 4900 Atlanta, GA 30303  
**Telephone (404) 330 - 6087**

- 12.) **Linda DeLoach**, Executive Assistance, Office of Transportation, Street Operations Division, Department of Public Works, 55 Trinity Avenue, SW, Suite 4900, Atlanta, GA 30303  
Telephone (404) 330 - 6501
- 13.) **M. Thomas**, Driver, Thomas Concrete Company, Ben Hill Location, 2454 Daniel Road, SW, Atlanta, GA 30311  
Telephone (404) 346 - 1220
- 14.) **W. Foster**, Driver, Thomas Concrete Company, Ben Hill Location, 2454 Daniel Road, SW, Atlanta, GA 30311  
Telephone (404) 346 - 1220

**B. Documents Reviewed**

- 1.) Sketch of job site (not drawn to scale) (*Exhibit 1*)
- 2.) Sidewalk Work Order Number 471300 (*Exhibit 2*)
- 3.) Department of Public Works trip ticket dated May 28, 2004 (*Exhibit 3*)
- 4.) Department of Public Works Concrete Plant daily delivery sheet (*Exhibit 4*)
- 5.) Foreman's Daily Time Report (*Exhibit 5*)
- 6.) Photographs (*Exhibit 6*)
- 7.) Building Permit (*Exhibit 7*)
- 8.) Documented methods of how sidewalk improvements or repairs can be obtained (*Exhibit 8*)
- 9.) Code of Ordinances of the City of Atlanta, Georgia, Article III, Sections 138-98 and 138-99 (*Exhibit 9*)
- 10.) Code of Ordinances of the City of Atlanta, Georgia, Article III, Section 134-51 (*Exhibit 10*)
- 11.) Invoices from Thomas Concrete Company (*Exhibit 11*)
- 12.) Memorandum from Johnnie Moore, III to Councilman Jim Maddox dated June 11, 2004 (*Exhibit 12*)
- 13.) Code of Ordinances of the City of Atlanta, Georgia, Article III, Section 134-51 (*Exhibit 13*)

- 14.) Completed Sidewalk Work Order Number 471300 dated May 28, 2004 (*Exhibit 14*)
- 15.) E-Mail correspondence between Johnnie Moore III and Sandra Jennings (*Exhibit 15*)

C. **Document Analysis**

1.) **Sketch of 914 Flamingo Drive, SW**

This sketch depicts the area of construction, including the driveway apron, the driveway and the adjacent parking area to the left of the home, as well as a walk area leading to the rear of the home (*Exhibit 1*).

2.) **Sidewalk Work Order Number 471300**

This document is one of several documents that is generated when a request for work is received. Please note that in the present case, there was no Report of Street Problem (R.O.S.P.) created (*Exhibit 2*).

3.) **Department of Public Works trip ticket dated May 28, 2004**

This document is generated at the concrete plant located at the Hill Street facility. It lists the location of the job site, vehicle and operator information, date, material to be used, and name of supervisor (*Exhibit 3*).

4.) **Department of Public Works Concrete Plant daily delivery sheet**

This document is a daily listing of all delivery trips generated by the concrete plant and lists the foreman, location, driver, departure and return times, and quantity of material delivered (*Exhibit 4*).

5.) **Foreman's Daily Time Report**

This document shows authorized overtime hours granted to concrete plant personnel on May 28, 2004 (*Exhibit 5*).

6.) **Photos of the job site at 914 Flamingo Drive, SW Atlanta, GA**

These are photos that were taken by the site inspector on or about May 24, 2004 documenting what he saw upon arrival at the location (*Exhibit 6*).

7.) **Building Permit for construction work at 914 Flamingo Drive, SW Atlanta, GA**

This document is the building permit (number BB 200308546 issued December 16, 2003) for construction work at 914 Flamingo Drive, SW Atlanta, GA. for addition to the single-family dwelling. It is noted that the permit contained herein appears to be for the structure only (*Exhibit 7*).

8.) **Document explaining the method of how sidewalk improvements or repairs can be obtained**

This document explains various methods by which sidewalk improvement or repairs can be obtained, i.e., by petition, condemnation, private contractors, council action, and advanced payment (*Exhibit 8*).

9.) **City of Atlanta Code of Ordinances Article III, Sections 138-98 and 138-99**

Sec. 138-98 of this document explains what's required by private contractors when constructing sidewalks, driveways and curbs and Sec. 138-99 explains the requirement for a permit for construction of driveways or sidewalks on streets (*Exhibit 9*).

10.) **City of Atlanta Code of Ordinances Article III, Sections 134-51**

This document explains Council action; advanced cash payment for work when the Department of Public Works completes the construction. Please note that this paragraph is referenced in paragraph 5 of exhibit 10 contained in this investigative report. (*Exhibit 10*).

11.) **Thomas Concrete Company Invoices**

These documents are invoices prepared by the Thomas Concrete Company, Ben Hill Plant showing the date and location of concrete delivery, and the name of the delivery drivers (*Exhibit 11*).

12.) **Memorandum from Johnnie Moore III addressed to Council Member Jim Maddox on June 11, 2004**

This document is an official written notification to Mr. Maddox advising that the requested job had been completed and shows the associated cost for the work performed (*Exhibit 12*).

13.) **City of Atlanta Code of Ordinances Article III, Sections 138-96**

This document explains the schedule of charges for construction or repairs. (*Exhibit 13*).

14.) **Sidewalk Work Order Number 471300**

This document is the work order that's generated after a job assignment has been completed. The document lists the date of completion, the work crewmembers, the number of hours worked and charged to the city, the equipment and material used, and the type of work completed (*Exhibit 14*).

15.) **Various conversations between Johnnie Moore and Sandra Jennings**

This document is a written log of the conversations regarding the work performed at 914 Flamingo Drive, SW Atlanta, GA between June 3, 2004 and June 11, 2004. The document indicates that a possible problem existed prior to the allegation surfacing (*Exhibit 15*).

## V. INVESTIGATION

On Monday, June 14, 2004, Mayor Shirley Franklin held Mayor's Night-In for employees of the City of Atlanta. One of the purposes of the Mayor's Night-In is for city employees to voice concerns as they relate to the operation of the city. It was during this session that the aforementioned allegation surfaced. On June 16, 2004, the complaint was forwarded to the Department of Law and subsequently to this Investigator on June 21, 2004 for investigation.

On Tuesday, June 22, 2004, I made an informational site visit to 914 Flamingo Drive, SW, Atlanta, GA 30311 where I noticed construction work being done to the driveway area on the Bollingbrook Drive, SW side of the residence at that location (*Exhibit 1*). I then proceeded to the Hill Street Facility of the Department of Public Works where I met with Ms. Veronica Dennard, Acting Installation Chief. Ms. Dennard stated that on May 28, 2004, while enroute to her residence, she overheard radio transmissions between crewmembers inquiring about plastic covering for a concrete pouring job they had just completed. Ms. Dennard stated that she identified the voices as those of Mr. Kenney Mitchell (Equipment Operator, Sr. - concrete truck driver) and Mr. Rodney Poole (Concrete Plant Operator). Ms. Dennard added that she became concerned because it was approximately 6:00 p.m. and she had not authorized, nor was she aware of any crews working overtime. Ms. Dennard stated that she did not have any prior knowledge of who may have approved overtime work. She immediately telephoned Mr. Johnnie Moore III, Public Works Manager, and inquired about the work being done after normal working hours. Although the work at the 914 Flamingo Drive, SW location was initiated through the North Avenue Installation, which is under the control of Mr. David Munoz, Installation Chief, she was concerned because the work involved members of the concrete plant housed at her installation. Mr. Moore then advised her that he authorized overtime for the employees. Ms. Dennard further stated that it was not until she returned to work on Tuesday, June 1, 2004 that she learned that a City of Atlanta Councilmember possibly resided at 914 Flamingo Drive, SW. I then asked Ms. Dennard if there was any paperwork generated as a result of this job and she could only provide *exhibits 2 - 5*. The document that is normally generated when a request for work is initiated was not created by the department in this instance.

On Wednesday, June 23, 2004, at approximately 4:15 p.m., I met with Mr. Kinney Mitchell. Mr. Mitchell stated that on or about Friday, May 28, 2004, Mr. Rodney Poole notified him that an emergency job existed, in that concrete needed to be delivered to 914 Flamingo Drive, SW by 5:30 p.m. without delay. Mr. Mitchell further stated that several people called about the concrete delivery, i.e., Mr. Stanley Cloud and Mr. Luther Dennis (both are supervisors at the North Avenue installation) but he was not given a work order or work order number. Mr. Mitchell stated that he departed the Hill Street installation between 5:15 p.m. and 5:20 p.m. enroute to the Flamingo Drive location. Upon arrival Mr. Mitchell stated that he felt something was wrong because he was directed to Bollingbrook. *I discovered that the Bollingbrook Street side of the structure is the same structure at 914 Flamingo Drive. The house is located on the corner of Flamingo and Bollingbrook and the street address is 914 Flamingo Drive, SW.* Mr. Mitchell further stated that upon his arrival at the location, he noticed that Mr. Stanley Cloud (Area Supervisor) and Mr. Luther Dennis (Crew Supervisor) were present. Mr. Mitchell said he noticed that the driveway and adjacent area already contained freshly poured concrete and that he poured only the area considered to be the apron. I then asked Mr. Mitchell if he saw a work order and he replied, "no". He further added that any work being done must have a work order, on site, with a green ticket from City Hall attached. In this case, Mr. Dennis advised that a work order did not exist and that he began to feel something was wrong because of the non-existence of a work order.

On Thursday, June 24, 2004, in my continued effort to determine whether or not city employees, equipment and material were used to complete this job, I interviewed two of the three remaining concrete truck drivers; Mr. Chong Hall and Mr. Marsellar Millen. Both stated that they have only been assigned their current position since January 2004 and did not deliver concrete to the Flamingo Drive location.

On Friday, June 25, 2004, at approximately 11:05 a.m., I met with Mr. Luther Dennis. Mr. Dennis stated that he was instructed to install a driveway apron at 914 Flamingo Drive, SW by his supervisor, Mr. Stanley Cloud. According to Mr. Dennis, Mr. Stanley called him at approximately 2:30 p.m., Friday, May 28, 2004 and asked him to meet him on Flamingo Drive because Mr. Johnnie Moore wanted them to install a driveway apron and that he (Mr. Cloud) wanted him (Mr. Dennis) to make an assessment and determine the quantity of concrete needed. Mr. Dennis assessed the site and advised the Hill Street installation of the amount of concrete needed. Mr. Dennis further noted that upon his arrival at 914 Flamingo Drive, private contractors were present and working on the driveway project. He asked the supervisor, Mr. Wilson, how long would it be before they finished because he (Mr. Dennis) wanted to connect the apron. Mr. Dennis stated that he knew this was Councilman Maddox's home and present at the location was the Councilman's son and a concrete truck from Thomas Concrete Company that was filling the driveway with concrete. The apron area was already dug and prepared for the concrete, but city employees did not do this. When Mr. Dennis inquired about the work order, Mr. Cloud told him that he would get the work order from the North Avenue installation. I then asked Mr. Dennis why didn't the private contractors complete the entire job, to include the apron, since they had completed the driveway and dug out for the apron and he replied, "in order for a private contractor to complete the apron, a city permit is required". Prior to the issuance of a city permit, an inspector must come out, take measurements, complete a cost assessment, and send the cost to the public works department. After all of this has been completed, a work order is then issued. Once a work order is issued, a card is attached thereto explaining just what needs to be done to properly install the apron. In this case, a work order was not on location, in the possession of, or viewed by Supervisor Dennis.

On Friday, June 25, 2004, at approximately 11:05 a.m., I met with Mr. Johnnie Moore, III. Mr. Moore stated that on May 24, 2004, at approximately 2:00 p.m., he received an e-mail correspondence and a Report of Street Problem (R.O.S.P.) from Ms. Debra Sharper from the Office of the Commissioner of Public Works. Ms. Sharper stated that a call was received from Councilman Jim Maddox inquiring about having a driveway apron installed at his private residence. The initial conversation was construed as though city crews had previously been to the residence and damaged the prior existing driveway; therefore, they needed to return to repair the damage. After reviewing the e-mail correspondence and the R.O.S.P., Mr. Moore advised that he would look into the matter. Mr. Moore then contacted Mr. Dwayne Stocks, (Inspector, Principle) and explained the situation. Mr. Stocks sent Mr. Samuel Oliver (Inspector, Sr.) to the 914 Flamingo Drive, SW location to assess the job. Upon arrival at the location, Mr. Oliver noticed that the driveway area had already been cut out and as a result, he could not properly complete the assessment, i.e., a drawing with measurements could not be taken nor an accurate cost

assessment made. He photographed the area (*Exhibit 6*) and departed. According to Mr. Moore, since the driveway was already removed, either Ms. Sharper or Ms. Harris made a follow-up call to Councilman Maddox's office and was then told that Councilman Maddox wanted the City to put in the apron because the private contractors did not have a city permit which is necessary in order to work in the City's right-of-way. Although the homeowner received a building permit for the structure (*Exhibit 7*), it does not appear that a permit was issued for driveway construction as stipulated in the Department of Public Works rules (paragraph 3 of *Exhibit 8*) and Article III, Section 138-98 of the Code of Ordinances of the City of Atlanta, Georgia (*Exhibit 9*). According to Mr. Moore, Councilman Maddox stated that the private contractors had completed their portion of the driveway and he needed the City to come out and put in the apron. Based on the urgency of the request, Mr. Moore had City crews dispatched to the location to complete the city's portion of the work without adhering to proper written policy (paragraph 5 of *exhibit 8*) and Article III, Section 134-51 of the Code of Ordinances of the City of Atlanta, Georgia (*Exhibit 9*) as they relate to receipt of advance payment for work prior to construction. According to Mr. Oliver, based on his observation and to the best of his knowledge, none of the other work completed at this location was performed by city employees, city equipment or with city material.

On Monday, June 28, 2004, between 10:00 a.m. and 10:25 a.m., I called three Thomas Concrete Company locations, i.e., 1430 Marietta Boulevard, NW at (404) 355-8196 - Doug; 1660 Johnson Road, NW at (404) 799-0288 - Mike; and the Ben Hill location, 2454 Daniel Road, SW at (404) 346-1220 - Alex. The Ben Hill location acknowledged having concrete delivered to 14 Flamingo Road, SW on May 28, 2004. At approximately 11:15 hours I went to the Ben Hill location where I met with Mr. Chris Gould, Plant Manager. Mr. Gould stated that it was his location that delivered approximately 14 cubic yards of PSI concrete to 914 Flamingo Drive, SW on May 28, 2004; one load at 11:10 a.m. and one load at 1:14 p.m. at the request of AHB Custom Home Builders (*Exhibit 10*).

On Thursday, July 8, 2004, at approximately 9:40 a.m., I met with Mr. Samuel Oliver. Mr. Oliver stated that Supervisor Larry Carter called Steve Warren concerning a complaint at 914 Flamingo Drive, SW. Due to Mr. Warren's workload, Mr. Oliver was sent to that location to do an assessment. Upon his arrival at that location, he noticed that the prior existing driveway had already been removed/cut out and as a result, a thorough assessment, which would have included a measured drawing, could not be completed. He met with homeowner Jim Maddox, City of Atlanta Councilmember, who stated that he was closing the carport because of several burglaries. Mr. Oliver did mention that he observed newly poured concrete at the entrance to the carport and photographed the area (*Exhibit 6*). He returned to the location on June 11, 2004, measured the newly installed apron that had been completed by the City of Atlanta and provided a cost estimate at that time to the Department of Public Works and to the homeowner (*Exhibit 11*). *Exhibit 12* is provided for informational purposes.

On Thursday, July 8, 2004, at approximately 4:20 p.m., I spoke with Supervisor Larry Carter who stated that he might have received the initial call from either Ms. Linda DeLoach (Executive Assistance, Office of Transportation) or directly from Councilman Maddox's office. According to Carter, the call was construed as though the City had messed up the driveway and needed to return to the location to repair the damage. At that point, an Inspector was dispatched to assess the problem.

On Thursday, July 8, 2004, at approximately 4:45 p.m., I spoke with Ms. Linda DeLoach who stated she received a call directly from Councilman Maddox. The Councilman stated to her that he needed the City to come back out to finish his driveway because the City had messed up the driveway and needed to return to repair the damage. He wanted to know if someone could come out today. Ms. DeLoach stated that she needed to call him back with confirmation and referred the call to Supervisor Larry Carter. Apparently the return call to the Councilman took too long so the Councilman called back and was told that someone would be out within one hour. According to Ms. DeLoach, the initial call came in only as an inquiry and not a complaint; therefore, she believes that an R.O.S.P. was not completed.

On Thursday, July 8, 2004, at approximately 7:00 p.m., I met with Thomas Concrete Drivers, Mr. M. Thomas and Mr. W. Foster. Both drivers confirmed the fact that they delivered one load each of concrete to 914 Flamingo Drive, SW on May 28, 2004. Mr. Thomas stated that he delivered his load of concrete at approximately 11:30 a.m.. Upon arrival at the location, he delivered his load of concrete at the upper left end of the driveway and noticed that there was an additional area just to the left of the driveway (as you face the structure) for additional parking and what appeared to be a walkway leading to the rear of the structure. Mr. Foster stated that he delivered his load of concrete at approximately 1:30 p.m. Upon arrival at the location, he poured his load of concrete directly onto the driveway area, leaving only space enough for the apron.

Lastly, the Commissioner of Public Works, Mr. David Scott, advised the Department of Law that he was aware of the work project and that Councilman Maddox would be reimbursing the City of Atlanta for construction of the driveway apron.

## VI. FACTS

1.) It was alleged that city employees, equipment, and material were used to install a driveway at the private residence of Atlanta City Councilman Jim Maddox, 914 Flamingo Drive, SW Atlanta, Ga.

2.) Thomas Concrete Company delivered concrete to 914 Flamingo Drive, SW Atlanta for private use as corroborated by the truck drivers.

3.) City employees involved in this project were authorized and received overtime pay chargeable to the City for 2 ½ hours.

## VII. INVESTIGATIVE ANALYSIS

Information obtained during this investigation revealed that City employees did go to the location, however, they only installed the apron portion of the driveway as required. Private contractors prepared and installed all other portions of the driveway and the adjacent walkway.

## VIII. CONCLUSION

Based on the documentary and testimonial evidence obtained during the course of this investigation, Department of Public Works employees installed the apron portion of the driveway as requested by Councilman Jim Maddox at 914 Flamingo Drive, while supervisors within the Department of Public Works failed to adhere to proper procedures regarding the request for the City to construct a driveway apron on private property. The reported urgency of the need to complete this job necessitated the failure of the department to follow proper written policies and procedures. Upon receipt of a request from a private citizen to have the City construct a driveway apron, the following must occur:

1.) An Inspector is sent out to assess the job site. Measurements are taken, drawings are completed, photographs are taken, and a cost estimate is provided to the Department of Public Works and the Homeowner. If the homeowner accepts the estimate, an advanced payment for construction work must be submitted to and collected by the Department of Public Works. After receipt of the advanced payment, it is then and only then that the construction will commence.

2.) If the Homeowner rejects the estimate and chooses to employ a private contractor, appropriate permits must be obtained and approval must be granted prior to the commencement of the work.

## IX. RECOMMENDATION

The Department of Public Works should:

1.) Distribute and provide training to all employees regarding standard operating procedures of the department. Make sure that employees understand that the standard operating procedures are the required method for performing their assigned job tasks.

2.) Evaluate current management and employee job performance and counsel all employees regarding performance expectations.

3.) Ensure that Supervisors within the Department of Public Works strictly adhere to proper procedures regarding the request for the City of Atlanta to construct a driveway apron on private property.

4.) Ensure that the City of Atlanta be appropriately reimbursed all expenditures occurring as a result of the construction of the driveway apron on private property.

**X. EXHIBIT LIST**

- 1.) Sketch of job site (not drawn to scale) (*Exhibit 1*)
- 2.) Sidewalk Work Order Number 471300 (*Exhibit 2*)
- 3.) Department of Public Works trip ticket dated May 28, 2004 (*Exhibit 3*)
- 4.) Department of Public Works Concrete Plant daily delivery sheet (*Exhibit 4*)
- 5.) Foreman's Daily Time Report (*Exhibit 5*)
- 6.) Photographs (*Exhibit 6*)
- 7.) Building Permit (*Exhibit 7*)
- 8.) Documented methods of how sidewalk improvements or repairs can be obtained (*Exhibit 8*)
- 9.) City of Atlanta Code of Ordinances Article III, Sections 138-98 and 138-99 (*Exhibit 9*)
- 10.) City of Atlanta Code of Ordinances Article III, Section 134-51 (*Exhibit 10*)
- 11.) Invoices from Thomas Concrete Company (*Exhibit 11*)
- 12.) Memorandum from Johnnie Moore, III to Councilman Jim Maddox dated June 11, 2004 (*Exhibit 12*)
- 13.) City of Atlanta Code of Ordinances Article III, Section 134-51 (*Exhibit 13*)
- 14.) Completed Sidewalk Work Order Number 471300 dated May 28, 2004 (*Exhibit 14*)
- 15.) E-Mail correspondence between Johnnie Moore III and Sandra Jennings (*Exhibit 15*)

**XI. INVESTIGATIVE REPORT REVIEW CERTIFICATION**

THIS INVESTIGATIVE REPORT WAS REVIEWED AND APPROVED BY:

Linda K. DiSantis

Linda K. DiSantis  
City Attorney

Sept. 10, 2004  
(Date)

Jeffrey B. Norman  
Jeffrey B. Norman  
Compliance Manager

August 24, 2004  
(Date)

## XII. FINAL ACTION FORM

CASE NUMBER: CI 2004 - 0023

PLEASE EXPLAIN AND PROVIDE A COPY OF ANY ACTION INITIATED BY THE DEPARTMENT TO ADDRESS THE RECOMMENDATIONS INCLUDED IN THIS REPORT TO THE DEPARTMENT OF LAW'S COMPLIANCE UNIT. FORWARD ALL RESPONSES NO LATER THAN 30 DAYS AFTER RECEIPT AND REVIEW OF THIS INVESTIGATIVE REPORT

Submitted by: \_\_\_\_\_  
Action Authority

Date \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
City Attorney

Date \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
Compliance Manager

Date \_\_\_\_\_

Reviewed by: \_\_\_\_\_  
Investigator

---

Date

914 FLAMINGO DRIVE, SW  
ATLANTA, GA 30311

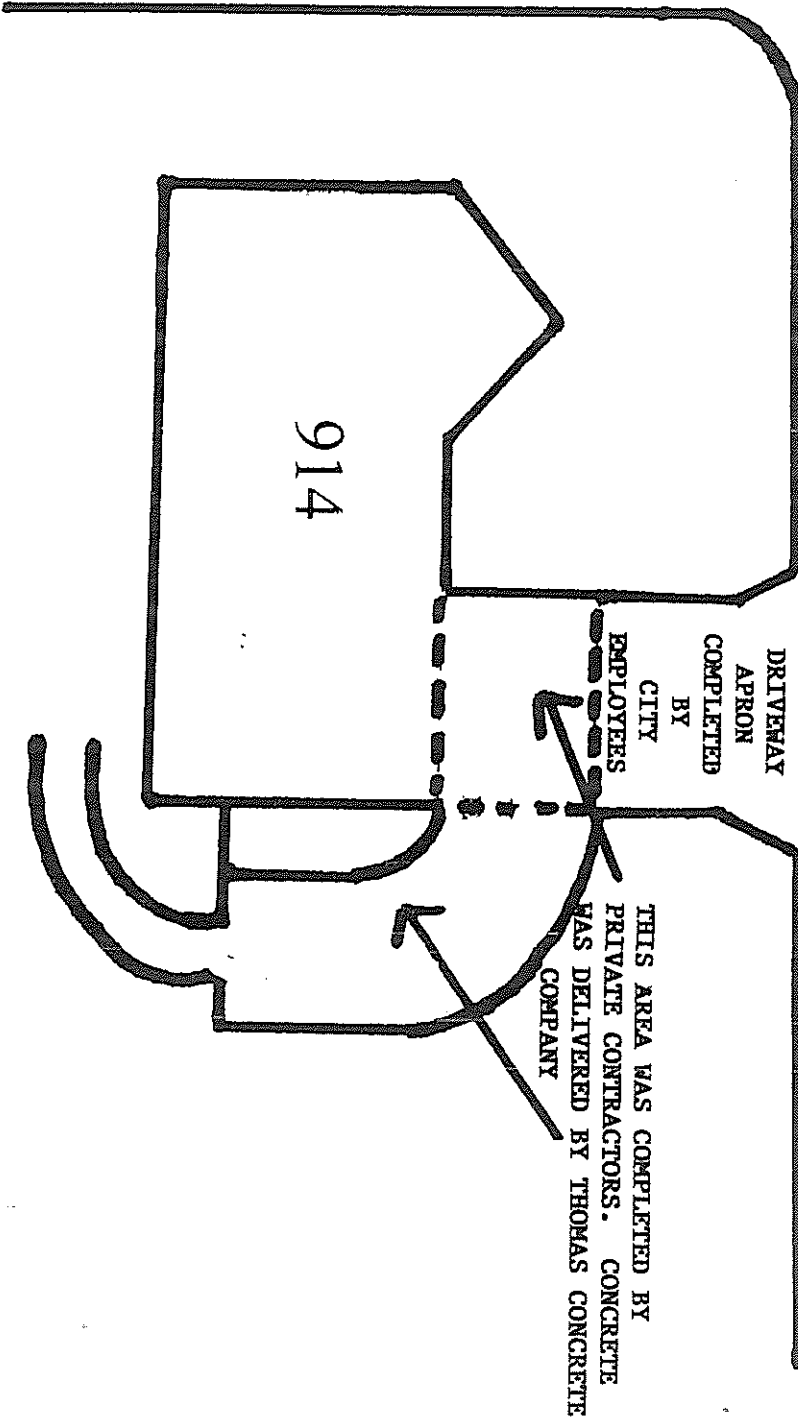
"NOT DRAWN TO SCALE"



EXHIBIT  
01

BOLLING BROOK DRIVE, SW

FLAMINGO DRIVE, SW



Atlanta Public Works  
68 Mitchell St SW  
Atlanta, GA 30334  
(404)330-6240

# COMPLETED Sidewalk Work Order

Report Date 06/22/2004 02:51 PM

Submitted By

Page 1

Order # 471300

Activity

ST109

DRIVEWAY APRON REPAIR

Sidewalk Address 14 02020002011  
914 FLAMINGO DR SW  
ATLANTA GA 30311-

Qualifier  
Area  
Sub-area  
Map #

District  
Location

Street Segment

2344

FLAMINGO DR SW

03

From

1466

BOLLINGBROOK DR SW

To

1389

BENJAMIN E MAYS DR SW

Sidewalk Type

Color

Curb Type

Material

Street Side

Length

0.00

Height

0.00

Pedestrian Traffic

Width

0.00

Thickness

0.00

Filler Type

Filler Width

0.00

Ownership

Service Status

X Coord

Y Coord

Z Coord

Date Installed

As Built

Parcel

14 02020002011

Budget #

Initiated By

NA182

CYNTHIA

BELL

Initiated Date

05/28/2004

Scheduled

Assigned To

NA153

LUTHER

DENNIS

Service #

Due

Authorization

Project #

Crew

Maint Type

SA

SCHEDULED ASSIGNMENT

Priority

30DA

SCHED COMPL WITHIN 30 WORKDAYS

Problem

SAFHA

SAFETY HAZARD

Project

Source

U

SUPERVISOR

Out of Service

☐

Last Activity

ST109

DRIVEWAY APRON REPAIR

Potential Service Request

☐

Last Activity Completed

05/28/2004

## Work Order Comments

install d/way apron per Johnnie Moore. Install d/way apron 31x8

Equipment		Choose Crew, Equipment Type or ID					
Charge Date	Time	Crew	Equipment Type	Equipment ID	Total Usage	Usage	

Labor		Choose Crew Type, Crew ID or Job Class					
Charge Date	Time	Crew Type	Crew ID	Job Class	Employee ID	Pay Type	Hours Worked

EXHIBIT  
02

W/O #471300

58868

CITY OF ATLANTA  
DEPARTMENT OF PUBLIC WORKS

CONCRETE PLANT

ADDRESS 914 FLAMINGO DR. off  
B.E. MAYS DR.

DATE 5/28/04

REQ. AGENCY N/A.

SUPERVISOR S. Cloud

DRIVER & TRUCK # Mitchell 25348

AMOUNT OF  
MATERIAL 9 YDS

ACCOUNT NO. \_\_\_\_\_

RECEIVER'S  
SIGNATURE

Lynn Quinn

LL-C-80

OVERTIME

LL-C-80

" 131 STKR (2)

**EXHIBIT**

02

DATE 5/28/04

N- FULL

04

CEBTIICATF

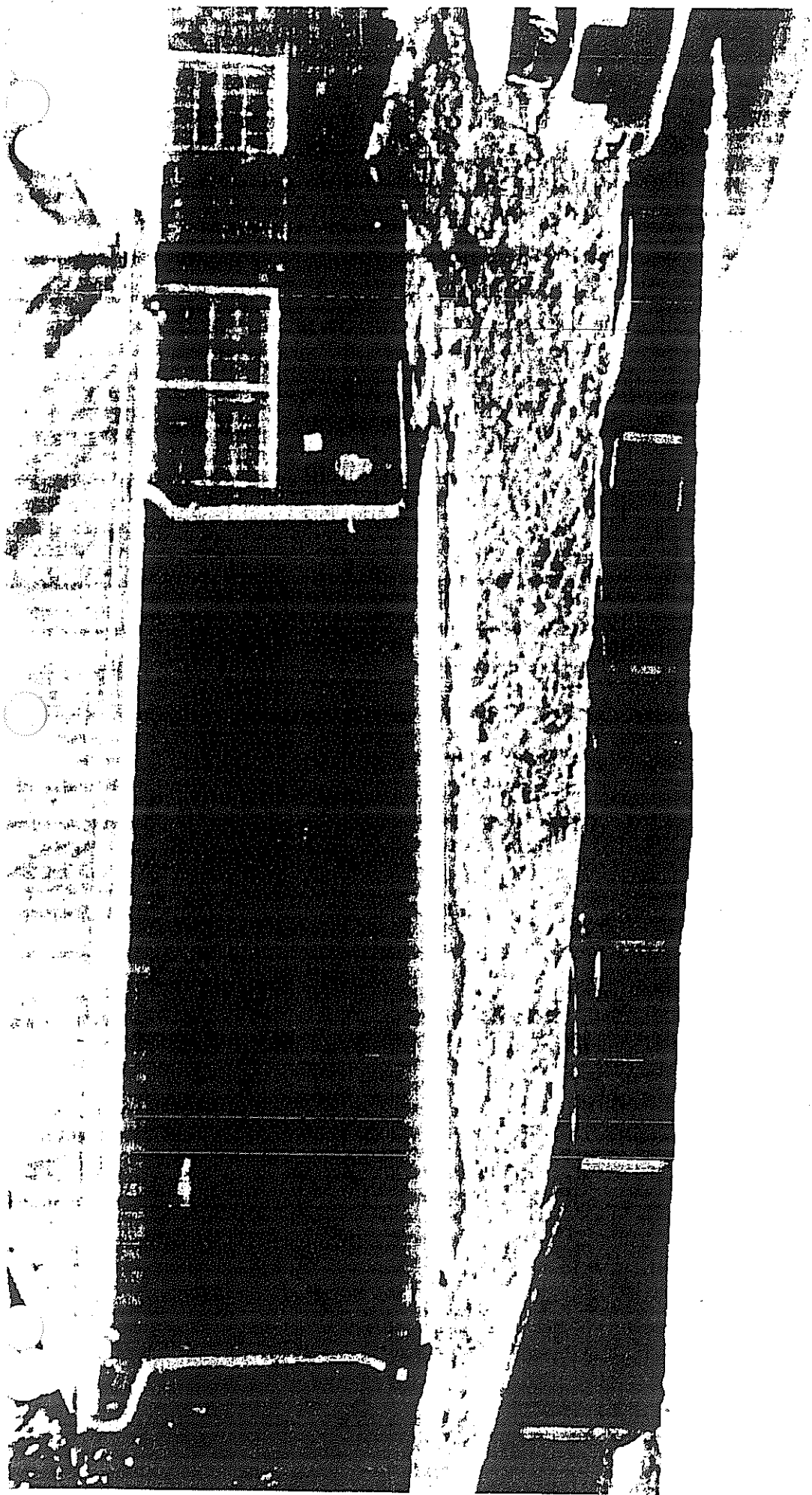
Date: 3/28/04 Foreman

Signed Time Checker

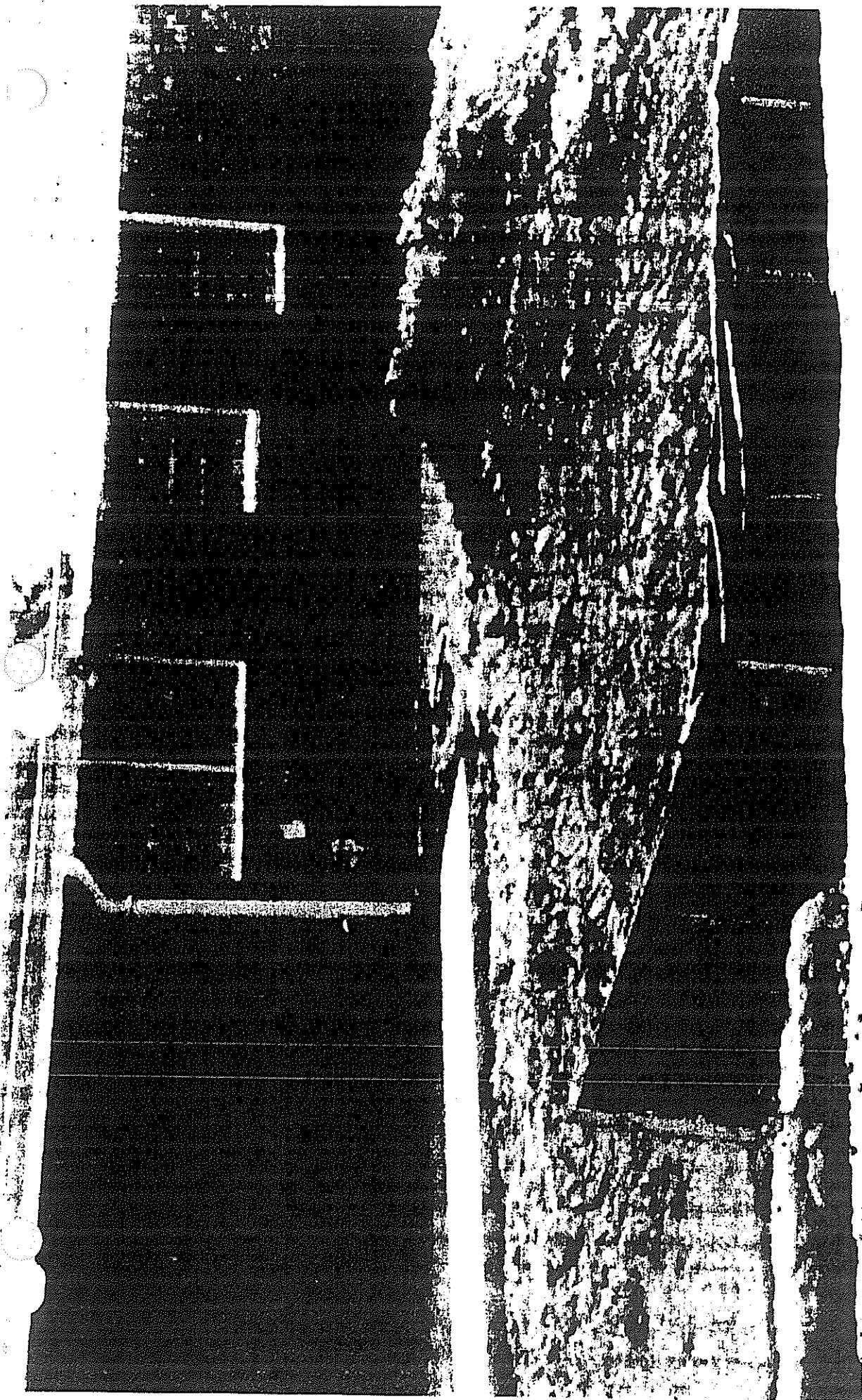
Per No

*EXHIBIT*

FORM 11-16...



**EXHIBIT**  
**06**





# BUILDING PERMIT

CITY OF ATLANTA - BUREAU OF BUILDINGS

Permit No.: BB 200308546  
Date Issued: 16-DEC-2003

## GENERAL PERMIT INFORMATION

Location: 914 FLAMINGO DR SW  
MADDOX RES - ADDITION

Estimated Cost: \$5,000.00

Permit Fee: \$50.00

Plans: BLR2 200303621

Aprvd. By: R. STANDLEY

BB 200308546

Zone: R-2A

Aprvd. By: S. BARFIELD

PCN: 14 02020002011

Issued By: R. STANDLEY

Bldgs.: 1

Tot. Fl. Area:

Tot. Units: 1

Parking Req'd.:

## BUILDING INFORMATION

Bldg. Name: MADDOX RES W/ADDN

Stories: 1 Height In Ft.: 8

Max. Occ.: Ground Fl. Area:

Tot. Fl. Area:

Units: 1 Space Fl. Area: 112

ADD TO 1-FAMILY RESIDENCE

IBC- TYPE V-B CONST

RESIDENTIAL OCCUPANCY-1 & 2 FAMILY

## ADDRESS INFORMATION

Owner - JAMES & ALICE MADDOX SR

914 FLAMINGO DR SW

ATLANTA, GA 30311

404-758-7600

Builder - OWNER/BUILDER

**POST IN A CONSPICUOUS PLACE ON THE JOB**  
**DO NOT: POUR CONCRETE, COVER FRAMING NOR OCCUPY**  
**BUILDING UNTIL ALL INSPECTIONS HAVE BEEN MADE.**

**A SEPARATE PERMIT IS REQUIRED FOR ELECTRICAL,**  
**PLUMBING, HVAC WORK AND SIGNS.**

## GEORGIA - FULTON COUNTY

The recipient of the building permit shall post a copy of same on a sign not less than six square feet with the words "Notice of Issuance of Building Permit" in letters not less than four inches high in a conspicuous place on the effected property so that the sign and permit can be easily viewed from the public street on which the property fronts. Said sign shall be posted no later than 24 hours after the issuance of the building permit and shall not be removed for 30 days. The recipient of the building permit shall also file a notarized affidavit with the Clerk of Council certifying under penalty of perjury the date on which the sign required in the above paragraph was posted.

Ordinance 00-O-1664/Z-00-88 Jan 25, 2001

Personally appeared: **JAMES MADDOX SR**

who on oath says that (he) (she) is the applicant for the foregoing, and that all statements are true to the best of (his) (her) knowledge, and that the work to be done thereon is authorized by the owner.

AGENT ☐ CONTRACTOR ☐ OWNER ☒

Applicant: *James F. Maddox Sr.*

Address: 914 FLAMINGO DR SW  
ATLANTA, GA 30311

Phone No.: 404-758-7600

Sworn to and subscribed before me this Sixteenth day of December, 2003.

Inspector: *[Signature]* Notary Public  
E. NEAL, 404-330-6142 Hrs. 7:15 - 8:45 AM

The issuance of this permit shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing building operations being carried on thereunder when in violation of the Building Code or of any other ordinance of the City of Atlanta. Except as otherwise stated, a permit for construction under which no work is commenced within six months after issuance, or where the work commenced is suspended or abandoned for six months, shall expire, and fees paid shall be forfeited.

Norman Koplon, P.E.  
Director  
Bureau of Buildings

SCOPE OF WORK: Addition to single family dwelling

## COMMENTS

zoning comment: V-03-338

Fee Description	Fee Amount	Fee Account No.
Building Permit Fee	50.00	1A01422101 B00001
Total Impact Fees:	0.00	
Total:	\$50.00	

NOT VALID UNLESS  
STAMPED PAID BY MUNICIPAL  
REVENUE COLLECTOR.  
NOT TRANSFERABLE  
Certificate of Occupancy # \_\_\_\_\_  
Completed Date: \_\_\_\_\_

**EXHIBIT**

**07**

A CERTIFICATE OF OCCUPANCY IS REQUIRED

(Inspector's signature)





SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
68 MITCHELL ST, SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 330-6245  
FAX (404) 658-7379  
email: publicworks@cityatlanta.ga.us

DEPARTMENT OF PUBLIC WORKS  
David E. Scott, P.E.  
Commissioner

**SIDEWALK IMPROVEMENTS OR REPAIRS CAN BE OBTAINED BY THE FOLLOWING METHODS:**

1. **By Petition:** Citizens may petition City Council to have sidewalks installed or replaced along their street. The petition should include a general description of the improvements requested: the street(s) or part thereof where sidewalk improvements are desired. In accordance with section 134-26 of the Atlanta City Code.

All petitions must be signed in ink by the owners of the property who are responsible for the assessment or by their duly authorized agents.

The petition for sidewalk improvements will be considered if the signatures of the abutting property owners represent the majority of the linear feet of frontage where sidewalk is to be constructed.

**The process is as follows:**

1. The petition should be delivered to the Department of Public Works, Office of Transportation, City Hall South, Suite 4900, Atlanta, Georgia 30335.
2. After receipt of the petition the Office of Transportation will poll the effected property owners giving each an estimated assessment cost.
3. If the poll demonstrates that the majority of frontage is represented by an affirmative response to the polling, an ordinance will be presented to the city Utilities Committee for consideration.
4. Each property owner who will be subject to assessment will be contacted by mail as to the date and time of a public hearing, at which time the citizens are encouraged to speak on this issue. If passed by committee, the ordinance will be sent to full council for consideration.
5. When the ordinance authorizing the construction of the petition sidewalk completes the legislation process, the construction of the sidewalk can then begin.

**EXHIBIT**

6. After completing the sidewalk construction, final assessments will be calculated and forwarded to the Chief Financial Officer for billing.
2. **By Condemnation:** When sidewalks are inspected and are found to be in a unsafe and/or unsuitable condition for pedestrian use, the abutting property owner will be notified as to the condition of the sidewalk and the property owners responsibility for maintaining the sidewalk in a suitable condition. The citizen will further be advised as to the cost for the City to make the necessary repairs. The condemnation procedure is as follows: **In accordance with section 138-103 of the Atlanta City Code.**
  1. If a refusal to comply or no response is received after ten (10) business days, Condemnation legislation will be prepared and forwarded to the City Utilities Committee for consideration.
  2. The abutting property owner will be contacted via certified mail that the sidewalk in front of their property is unsafe or unsuitable for public travel, and are encouraged to be at the committee meeting for a public hearing.
  3. If the resolution passes through the committee, the legislation is then forwarded to full council for their consideration.
  4. After an affirmative council action, the paper will be sent to the Mayor's desk for signature.
  5. When the legislative process is completed, a work permit will be issued and the sidewalk repairs will be constructed.
  6. After completion of the sidewalk repairs, the amount of the Assessment will be compiled and forwarded to the Chief Financial Officer for billing.
3. **By Private Contractors:** Citizens by contract with a private contractor to construct sidewalks, curbing and driveways across the sidewalk of the City are subject to the following conditions. **In accordance with section 138-98 Atlanta City Code.**
  1. That the contractor obtains a "Qualified Contractor" permit to work in the public right-of-way;
  2. That the contractor(s) possess a business license;
  3. That the contractor carries general liability insurance (\$3,000,000) that protects the City;
  4. That the work to be performed in accordance with the specifications approved by the Commissioner of the Department of Public works and within the established lines and grades of the city;

5. That the contractor(s) notify the Department of Public Works to obtain an inspection prior to placement of concrete.

For addition information, contact the Office of Transportation 68 Mitchell Street, City Hall South, Suite 4900, Atlanta, Georgia 30335 at (404)330-6501.

4. **By Council Action:** the City Council may cause sidewalks to be installed by Legislation solely within its discretion and in the absence of petition from the abutting property owners who will assess the cost of the improvements or repairs. **Accordance with section 134-27 of the Atlanta City Code.**
5. **Advanced Payment:** the Commissioner of the Department of Public Works is authorized to construct sidewalks, driveway apron, and/or curbing after receiving a cash payment or pro-approval for a Community Development Block Grant in advance for the construction of the work. For additional information, contact the office of Transportation 68 Mitchell Street, City Hall South, Suite 4900, Atlanta, Georgia, 30335. **In accordance with section 134-51 of the Atlanta City Code.**

subsection (b) of this section in conformance with city standards if such is required for proper storm drainage on the abutting or adjacent properties. (Code 1977, § 9-3092; Ord. No. 1996-28, § 1, 5-28-96; Ord. No. 2001-22, § 1, 3-14-01)

**Sec. 138-98. Constructing sidewalks, driveways and curbs by private contractors.**

(a) Private contractors may be permitted to lower curbs and construct sidewalks and curbs and driveways across sidewalks in the city subject to the following conditions:

- (1) *License required.* The contractor shall hold a business license from the city.
- (2) *Permit required.* The contractor shall obtain a permit from the commissioner of public works to construct the sidewalks, driveways and curbs.
- (3) *Standards.* All work performed under the permit shall be in accordance with plans and specifications approved by the commissioner of public works, and such sidewalks, driveways and curbs shall be constructed only in accordance with the established lines and grades of the city.
- (4) *Inspection required.* Whenever any contractor holding a permit authorized by this section shall desire to pour any sidewalks, driveways and curbs, the contractor shall notify the commissioner of public works of the contractor's readiness and desire to do so, whereupon it shall be the duty of the commissioner of public works, as soon thereafter as is practical, to send an inspector of the department of public works to inspect the work, and no work shall be poured except on approval of the commissioner.
- (5) *Insurance.* All contractors constructing driveways, sidewalks and curbs shall carry insurance which will protect the city and its officers, agents and employees from all claims for personal injury and property damage arising out of the construction of the sidewalks, driveways and curbs. The insurance shall be in an amount and shall

provide such coverage as determined by the city's risk manager after consultation with the commissioner of public works. The insurance shall indemnify and hold harmless the city and its officers, agents and employees against all claims resulting from injuries to persons or property damage for a period beginning on the date of the commencement of any work being performed by the contractor and continuing for 30 days after the completion of the work by the contractor. Presentation and delivery of the policy of insurance or appropriate certificate thereof to the commissioner of public works shall be a condition precedent to the issuance of any permit for the work.

- (6) *Charge for permit.* The charge for the permit required by this section shall be fixed by the council, and the sum shall be paid to the department of public works at the time of the issuance of any permit under this section.

(Code 1977, § 9-3093; Ord. No. 2001-22, § 1, 3-14-01)

**Sec. 138-99. Permit required for construction of driveways or sidewalks on streets.**

It shall be unlawful for any person to construct any driveway or sidewalk on any street without first having obtained a permit from the commissioner of public works. If any person without first obtaining the permit should construct a driveway or sidewalk on any street, then the person shall be in violation of this Code, and the commissioner of public works shall be authorized to condemn the driveway or sidewalk and have it removed and replaced at the expense of the owner of the property, the owner being notified of this action prior to construction.

(Code 1977, § 9-3094; Ord. No. 2001-22, § 1, 3-14-01)

**Sec. 138-100. Notice to abutting property owners prior to construction of sidewalks.**

Except for a single-property request for the construction of a sidewalk, it shall be the duty of

be made by the council solely within its discretion and in the absence of a petition from abutting property owners for the improvements.

(b) The chief financial officer is authorized to permit deferred or installment payments of assessments and liens by the persons owning and living on property abutting those streets where improvements are made when financial circumstances of all or certain of those persons invite relief. Determination of eligibility for the deferred or installment payments shall be in accordance with standards and guidelines set forth in this section and subject to amendment by the council.

(c) The chief financial officer is authorized, upon council authorization for the work, to accept application and payment from property owners assessed for those improvements and to permit deferred or installment payments by an owner or occupier of property abutting the street, public alley or public way.

(Code 1977, § 9-3055(a)—(c))

#### **Sec. 134-28. Completion of work; entering information in lien book.**

The commissioner of public works shall immediately notify the chief financial officer of the completion of any street improvements which constitute a lien against abutting property, and this information shall be immediately entered in the lien book which shall be kept by the chief financial officer. A copy of the lien book shall be maintained in the appropriate county property records room. The date of entry of this completed work shall be deemed the date when the lien attaches to the abutting property.

(Code 1977, § 9-3056(b))

**Secs. 134-29—134-50. Reserved.**

### **ARTICLE III. SIDEWALKS OR CURBING**

#### **Sec. 134-51. Council action; cash payment for work.**

Council action shall be required for the construction of sidewalks or curbing in and along streets and portions of streets and the resolution or ordinance shall be sufficient authority for the

construction of sidewalks or curbing, except the commissioner of public works is authorized to construct sidewalks or curbing after receiving cash payment in advance for the construction work.

(Code 1977, § 9-3081)

#### **Sec. 134-52. Assessment against and collection of costs from abutting owners.**

The entire expense of construction of sidewalks and curbing shall be assessed against the property abutting on the streets where sidewalks are constructed and shall be collected from the owners thereof.

(Code 1977, § 9-3083)

#### **Sec. 134-53. Method of assessment.**

(a) All assessments for construction of sidewalks and curbing shall be made on a property frontage basis by dividing the total cost of the construction by the total frontage abutting the construction to ascertain the cost per front foot and assessing each lot or parcel of abutting property according to its frontage on construction.

(b) When private alleys between adjoining lots intersect with sidewalks, the assessment for curbing and sidewalks at the point where the alley intersects with the sidewalk shall be divided between the lots on each side of the alley, treating the private alley as belonging equally to the two adjoining lots. Private alleys belonging to only one of the adjoining lots shall be treated as part of that lot in making the assessment for curbing and sidewalk.

(Code 1977, §§ 9-3084, 9-3085)

#### **Sec. 134-54. Collection of assessments.**

(a) *Billing.* When curbing and sidewalks are laid under resolution or ordinance, an assessment schedule shall be made by the commissioner of public works, showing in detail the properties against which the assessments are made. When the assessment schedule is passed by the council, it shall then be transmitted to the chief financial officer, who shall make out bills against the persons liable and notify them of the assessments.



CORPORATE OFFICE  
(770) 431-3300  
FAX (770) 431-3305

ACWORTH  
(770) 529-3379

ALPHARETTA  
(770) 684-1812

No. 01- 217515



ATHENS (706) 546-7938	ATLANTA (404) 355-1111	BEN HILL (706) 346-1220	CANTON (770) 345-5528	CARTERSVILLE (770) 388-1020	CUMMING-BA (800) 924-1183 (770) 889-5163	DAHLONEGA (706) 867-9080	DORAVILLE (770) 447-4841	GAINESVILLE (800) 584-2183 (770) 967-6860	FAYETTEVILLE (770) 481-8321	HIRAM (770) 439-5940
JEFFERSON (706) 387-7540	JOHNSON ROAD (404) 799-0288	LAWRENCEVILLE (770) 962-2885	LILBURN (770) 923-0170	LITHONIA (770) 482-5842	MONROE (770) 287-9767	STOCKBRIDGE (770) 389-0015	SUWANEE (770) 945-1182	TYRONE (770) 989-8545	WOODSTOCK (770) 928-7778	

### CAUTION

May cause eye or skin injury. Contains Portland cement. Freshly mixed cement, mortar, concrete, or grout may cause skin injury.

#### TAKE THESE PRECAUTIONS:

1. Avoid all contact with eyes.
2. Wear rubber boots and gloves, and avoid prolonged contact directly with skin or through porous materials.
3. In case of contact with skin or eyes, FLUSH THOROUGHLY WITH WATER.
4. If irritation persists, get medical attention promptly.
5. Keep children away.
6. DO NOT STAND BEHIND TRUCK WHEN BACKING.

Title and risk of loss of the ready mixed concrete passes to the purchaser when loaded into the truck at the plant.

### UNLOADING

Drivers are prohibited from delivering concrete except under the truck's own power, and where site conditions permit the safe and proper operation of his equipment. Drivers are not permitted to add water to the mix to exceed its maximum slump nor to go beyond the curb line, except upon the authorization of the customer and his acceptance of risk for any loss or damage.

Time on Job \_\_\_\_\_ Time Leaving Job \_\_\_\_\_ Water added \_\_\_\_\_ GAL

Time Start Pour \_\_\_\_\_ Time Arr. Plant \_\_\_\_\_ MAXIMUM Water Allowed \_\_\_\_\_ G.

Load Sample ☐ Y ☐ N Delivery Receipt \_\_\_\_\_

### PROPERTY DAMAGE CLAUSE

When delivery is required to be made beyond the curb line or edge of the traveled portion of the street or roadway the purchaser assumes all responsibility for injury or damage to driveways, walks, drains, or other items of property that may result while our truck is making delivery under directions of purchaser or his agent.

Signed \_\_\_\_\_

Customer # 153	P.O. Number/Ordered By	Zone	Job Number	Time Batched	Date 2004-09-04	Ticket 153		
Sold To THE CONCRETE HOME BUILDERS, INC.			Deliver To 914 PLEASANT LN			County POLK		
Quantity This Load 3.00 1.00	Quantity Ordered 3.00	Quantity Delivered 3.00 1.00	Product Code 20155 9100	Product Description 2000 PSI READY MIXED CONC PER LOAD ENVIR. IMPACT	Unit of Measure	Unit Price	Extended Price	
Truck # 153	Plant #	Slump 3-5	Due at Job	Use of Concrete DRIVEWAY	SUB TOTAL			
Calcium	Air/Entrain	Super Pkg.		Driver's Name WILLIE HENDER	TAX			
					TOTAL			

WRECKER CHARGE

Yes ☐ No ☐

MAKE EVERY TRIP A SAFE TRIP

PLANT CONTROL COPY

EXHIBIT  
11



**CORPORATE OFFICE**  
(770) 431-3300  
FAX (770) 431-3305

ACWORTH  
(770) 529-3379

ALPHARETTA  
(770) 684-1812

**No. 01- 217529**

ATLANTA (706) 546-7938	BEN HILL (404) 355-8186	CANTON (404) 348-1220	CARTERSVILLE (770) 345-5526	CUMMING-GA. (770) 386-1020	DAHLONEGA 1 (800) 924-2183 (770) 889-5183	DORAVILLE (706) 867-9060	GAINESVILLE (770) 447-4841	FAYETTEVILLE 1 (800) 564-2183 (770) 867-6860	HIRAM (770) 481-8321	WOODSTOCK (770) 439-5940
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JEFFERSON (706) 347-7540	JOHNSON ROAD (404) 799-0268	LAWRENCEVILLE (770) 882-2885	LILBURN (770) 923-0170	LITHONIA (770) 482-5842	MONROE (770) 887-9787	STOCKBRIDGE (770) 389-0015	SUWANEE (770) 945-1182	TYRONE (770) 968-8545	WOODSTOCK (770) 926-7776
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3. In case of contact with skin or eyes, FLUSH THOROUGHLY WITH WATER.
4. If irritation persists, get medical attention promptly.
5. Keep children away.
6. DO NOT STAND BEHIND TRUCK WHEN BACKING.

Title and risk of loss of the ready mixed concrete passes to the purchaser when loaded into the truck at the plant.

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Time on Job. \_\_\_\_\_ Time Leaving Job \_\_\_\_\_ Water added \_\_\_\_\_ GAL

Time Start Pour \_\_\_\_\_ Time Arr. Plant \_\_\_\_\_ MAXIMUM Water Allowed \_\_\_\_\_ G.

Load Sample ☐ Y ☐ N Delivery Receipt \_\_\_\_\_

### PROPERTY DAMAGE CLAUSE

When delivery is required to be made beyond the curb line or edge of the traveled portion of the street or roadway the purchaser assumes all responsibility for injury or damage to driveways, walks, drains, or other items of property that may result while our truck is making delivery under directions of purchaser or his agent.

Signed \_\_\_\_\_

Customer # 1198	P.O. Number/Ordered By	Zone 1	Job Number	Time Batched	Date 11-28-04	Ticket 1198
Sold To M. J. ...			Deliver To ...		County ...	
Entity Load	Quantity Ordered	Quantity Delivered	Product Code	Product Description	Unit of Measure	Unit Price
...	9.00	14.00	30156	2000 PSI ...	...	...
...	...	...	3100	...	...	...
Truck #	Plant #	Slump	Due at Job	Use of Concrete	SUB TOTAL TAX TOTAL	
Calcium	Air Entrain	Super Plast.	Driver's Name	DRIVEN BY		

WRECKER CHARGE

Yes ☐ No ☐

**MAKE EVERY TRIP A SAFE TRIP** ➔

**PLANT CONTROL COPY**



**SHIRLEY FRANKLIN**  
**MAYOR**

**CITY OF ATLANTA**  
68 MITCHELL ST, SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH  
(404) 338-6245  
FAX (404) 658-7379  
email: publicworks@cityofatlanta.ga.us

**DEPARTMENT OF PUBLIC WORKS**  
**David E. Scott, P.E.**  
Commissioner

**MEMORANDUM**

**TO:** Council Member Jim Maddox  
Atlanta City Council  
Council District 11

**FROM:** Johnnie Moore III *JMO*  
Public Works Manager  
Office of Transportation  
Department of Public Works

**DATE:** June 11, 2004

**RE:** 914 Flamingo Dr, SW

Council member Maddox, this memo is to let you know that the cost for us installing the driveway apron on the Bollingbrook side of the above referenced address is \$ 840.24. Your driveway apron was measured to be 218 square feet at \$ 3.89 per square foot. Please forward the estimated cost in the form of a check which is made payable to the City of Atlanta at your earliest convenience. If additional assistance be needed, please feel free to contact me at ext. 6245.

**EXHIBIT**

**12**



# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

68 MITCHELL STREET, S.W.  
SUITE 4900, CITY HALL SOUTH  
ATLANTA, GEORGIA 30303-3531  
TEL. 404 330-6501  
FAX 404 658-7085  
email: publicworks@atlantaga.gov

DEPARTMENT OF PUBLIC WORKS  
DAVID E. SCOTT, P.E.  
Commissioner  
OFFICE OF TRANSPORTATION  
JOHNNIE MOORE, III  
Manager, Maintenance

June 11, 2004

## MEMORANDUM

TO: Councilmember Jim Maddox  
Council District 11  
Atlanta City Council

FROM: Johnnie Moore III  
Manager, Maintenance  
Department of Public Works/Office of Transportation

SUBJECT: Driveway Apron at 914 Flamingo Drive, S.W.

Per your request to install a driveway apron on the Bolingbrook Drive side of 914 Flamingo Drive, S.W., we have completed the requested work.

The cost for 218 square feet at \$3.89/sq. ft. is \$840.24. Please forward a check in that amount, payable to the City of Atlanta, at your earliest convenience.

If additional information or clarification is needed, please let me know.

jm

cc: Commissioner David E. Scott, P.E.  
Sandra D. Jennings, P.E.  
Correspondence File

- (2) The 85th percentile speed of traffic on such street must be at least 11 miles per hour over the posted speed limit;
  - (3) The property owners on such street segment may apply to the city for funding for all costs of construction and installation; in the alternative, the property owners may elect to engage a private contractor to construct the speed humps in accordance with all requirements of the department of public works and to pay all costs of construction and installation; and
  - (4) That the street segment meet the criteria contained in part 2.0 of the guidelines and the speed humps meet the criteria in part 4.0 of the guidelines, except to the extent this article expressly provides for different criteria. Further provided, that if I.T.E. revokes or suspends the guidelines, then this requirement shall not be deemed to have been met for any speed hump installation not completed by the date of such revocation or suspension.
- (Ord. No. 1995-03, § 9-3061, 2-14-95; Ord. No. 1997-46, §§ 1, 2, 8-25-97; Ord. No. 2001-22, § 1, 3-14-01)

#### **Sec. 138-85. Same—Removal.**

Speed humps on a street segment shall be removed if all of the following are met:

- (1) Seventy-five percent of property owners on the street segment, via formal petition, request their removal.
  - (2) The speed humps have been in place no less than one year.
  - (3) The property owners are made aware that speeds will increase.
  - (4) The property owners agree to pay all costs associated with such removal, and are assessed same under section 134-27.
- (Ord. No. 1995-3, § 9-3062, 2-14-95; Ord. No. 2001-22, § 1, 3-14-01)

**Secs. 138-86—138-95. Reserved.**

#### **DIVISION 3. SIDEWALKS, CURBS, CURBS AND GUTTERS AND DRIVEWAYS**

##### **Sec. 138-96. Schedule of charges for construction or repair.**

The commissioner of public works shall maintain a schedule of charges for sidewalks, curbing or driveway aprons constructed or repaired by the city which may be revised from time to time by the commissioner of public works, subject to council approval, and which shall be available for public inspection during normal business hours. (Code 1977, § 9-3091; Ord. No. 2001-22, § 1, 3-14-01)

##### **Sec. 138-97. Construction of sidewalks, driveways and curbs in multifamily residential, commercial and industrial zoning districts.**

(a) Before any building permit shall be issued for the construction of any structure on property within any planned development-housing (PD-H) district or any zoning district which permits multifamily residential, commercial or industrial uses, the owner shall agree to construct or have constructed sidewalks, driveways and curbs on all public streets within and abutting the property. This subsection does not apply to property already having such improvements in a condition satisfactory to the commissioner of public works. Failure to construct these improvements shall be grounds for denial of occupancy or use of the improvements constructed on the property. The director, bureau of buildings shall not issue an occupancy permit until the improvements are made. The plans and specifications for the sidewalks, driveways and curbs shall be submitted to and approved by the commissioner of public works prior to the issuance of the building permit.

(b) The requirements of subsection (a) of this section may be waived by the commissioner of public works upon a showing by the applicant of sufficient evidence that the proposed work includes only site improvements and no new construction of new occupiable space.

(c) The commissioner of public works may, in the commissioner's discretion, require the installation of curbs on property exempted pursuant to

## Atlanta Public Works

68 Mitchell St SW  
Atlanta, GA 30334  
(404)330-6240

## Sidewalk Work Order

Work Date 05/28/2004 01:56 PM

Submitted By

Page 1

Work Order # 471300 Activity ST109 DRIVEWAY APRON REPAIR

Sidewalk Address 14 02020002011  
914 FLAMINGO DR SW  
ATLANTA GA 30311-

Qualifier  
Area  
Sub-area  
Map #

District  
Location

Street Segment 2344 FLAMINGO DR SW 03  
From 1466 BOLLINGBROOK DR SW  
To 1389 BENJAMIN E MAYS DR SW

Sidewalk Type Color  
Curb Type Material  
Street Side Length 0.00 Height 0.00  
Pedestrian Traffic Width 0.00 Thickness 0.00  
Filler Type Filler Width 0.00  
Ownership Service Status

X Coord  
Y Coord Date Installed As Built  
Z Coord Parcel 14 02020002011

Budget #  
Initiated By NA182 CYNTHIA BELL Initiated Date 05/28/2004 Scheduled  
Signed To NA153 LUTHER DENNIS Service # Due

## Authorization

Budget #

Crew

Maint Type

Priority 30DA

Problem SAFHA

Project

Source U

Last Activity ST112

SCHEDULED ASSIGNMENT  
SCHED COMPL WITHIN 30 WORKDAYS  
SAFETY HAZARD

SUPERVISOR  
GRANITE CURB REPLACE

Out of Service ☐  
Potential Service Request ☐  
Last Activity Completed 12/06/2000

## Work Order Comments

install d/way apron per Johnnie Moore.

Equipment		Choose Crew, Equipment Type or ID					
Charge Date	Time	Crew	Equipment Type	Equipment ID		Total Usage	Usage
5-28-04							

Labor		Choose Crew Type, Crew ID or Job Class					
Charge Date	Time	Crew Type	Crew ID	Job Class	Employee ID	Pay Type	Hours Worked
5-28-04		Concrete		Sup	153		2 1/2
5-28-04				E-00	138		2 1/2
5-28-04				E-01	101		2 1/2
5-28-04				Laborer II	112		2 1/2
				Laborer	105		2 1/2

EXHIBIT  
14

## Atlanta Public Works

68 Mitchell St SW  
Atlanta, GA 30334  
(404)330-6240

## Sidewalk Work Order

Start Date 05/28/2004 01:56 PM

Submitted By

Page 2

Work Order # 471300

Activity ST109

DRIVEWAY APRON REPAIR

Labor		Choose Crew Type, Crew ID or Job Class			Employee ID	Pay Type	Hours Worked
Charge Date	Time	Crew Type	Crew ID	Job Class			

Material					Part Number	Quantity
Charge Date	Time	Stock Area				
5-28-04		1111 Hill St			Concrete	8 yds

Vehicle		Choose Crew, Vehicle Type or ID			Total Usage	Usage
Charge Date	Time	Crew	Vehicle Type	Vehicle ID		
5-28-04			Crew Cab	21533		2 1/2 hr
			Flat Bed	17458		2 1/2 hr

Comments

Rush 506 Install D/W Apron 31' x 8'

Atlanta Public Works  
 68 Mitchell St SW  
 Atlanta, GA 30334  
 (404)330-6240

# Cost Summary

Report Date 06/02/2004 01:28 PM

Submitted By

Search Criteria  
 Search Style Match  
 Work Order # 471300  
 Status All

Subtotal on Daily

Work Order #	Activity	Asset Type	Initiated	Contractor Cost	Equipment Cost	Extrilam Cost	Labor Cost	Material Cost	Tool Cost	Vehicle Cost	Total Cost
471300	ST109	SW	05/28/2004	0.00	0.00	0.00	184.26	650.72	0.00	56.35	891.33
	Subtotal for date 05/28/2004			0.00	0.00	0.00	184.26	650.72	0.00	56.35	891.33
	Grand Total:										891.33
End of Report											

End of Report

**Johnnie Moore III**

---

**From:** Sandra Jennings  
**Sent:** Friday, June 11, 2004 12:14 PM  
**To:** Johnnie Moore III  
**Subject:** RE: Driveway

Johnnie,  
Per the Commissioner, Cm Maddox is to be bill for the driveway installation.

Sandra D. Jennings, P.E.  
Acting Deputy Commissioner  
Department of Public Works  
404.330.6501

---

**From:** Johnnie Moore III  
**Sent:** Friday, June 11, 2004 8:12 AM  
**To:** Johnnie Moore III; Sandra Jennings  
**Subject:** RE: Driveway

Miss Jennings did you talk with the Comm. Scott yet on this matter ?

---

**From:** Johnnie Moore III  
**Sent:** Friday, June 04, 2004 7:09 AM  
**To:** Sandra Jennings  
**Subject:** RE: Driveway

I received a ROSP and a email from Miss Shaper about the driveway. On Fri May 28, 2004 Mr. Maddix call me and stated he was pouring his driveway and needed the city side done. I then sent a crew to the location to pour on our side, later I found out Mr. Maddix had not paid. I would just like to know how to handle this matter JMIII.

---

**From:** Sandra Jennings  
**Sent:** Thursday, June 03, 2004 4:33 PM  
**To:** Johnnie Moore III  
**Subject:** RE: Driveway

Johnnie,  
Please provide me with the specifics of the incident (again). Thanks

Sandra D. Jennings, P.E.  
Acting Deputy Commissioner  
Department of Public Works  
404.330.6501

---

**From:** Johnnie Moore III  
**Sent:** Thursday, June 03, 2004 5:31 PM  
**To:** Sandra Jennings  
**Cc:** 'JohnnieMoore3@comcast.net'  
**Subject:** Driveway

Miss Jennings after talking with you today about what happen Fri with Jim Maddix drive way you ask me to send you the totals

88 sq ft X \$3.89 = \$ 342.00 I would just like to know how to handle this matter JMIII.

## Statement from Atlanta City Councilmember Jim Maddox

On May 28, 2004, the City's Department of Public Works poured the apron to my driveway, which is a normal practice of the Department. I have been properly invoiced for such work, and the total has been paid in full. I maintain that I have done nothing wrong, and further add that any perceived irregularity is the result of oversight. My integrity is far more important to me than anything else. I have been a public servant for much of my life and I am disturb by the allegations raised by these on-air reports.



## CITY OF ATLANTA

55 TRINITY AVE., SW, ATLANTA, GEORGIA 30303-0324  
SUITE 4700, CITY HALL - SOUTH

(404) 330-6240

FAX (404) 658-7552

email: [publicworks@atlantaga.gov](mailto:publicworks@atlantaga.gov)

DEPARTMENT OF PUBLIC WORKS

SHIRLEY FRANKLIN  
MAYOR

DAVID E. SCOTT, P.E.  
COMMISSIONER

May 25, 2006

James Maddox  
914 Flamingo Drive, SW  
Atlanta, Georgia 30311

Dear Councilmember Maddox,

It has come to my attention that the Department of Public Works installed a driveway apron on your property located at 914 Flamingo Drive, SW on May 28, 2004.

We sent a bill to your office in City Hall however; this was a private matter and should have been sent to your home address. I apologize for any confusion surrounding this matter and urge you to submit payment for the work in the amount of \$840.24.

Sincerely,



David E. Scott, P.E., Commissioner

James F. Maddox, Sr.

914 Flamingo Drive, SW Atlanta, GA 30311

May 25, 2006

Mr. David E. Scott, P.E.  
Commissioner, Dept. of Public Works  
City of Atlanta  
55 Trinity Avenue, SW  
Suite 4700  
Atlanta, GA 30303

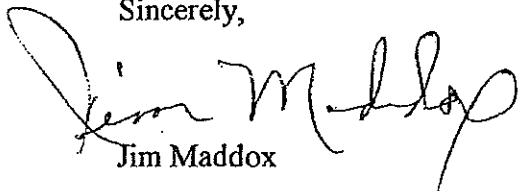
Dear Commissioner Scott

I am in receipt of your letter dated May 25, 2006 making request for payment in the amount of \$840.24 for work done at 914 Flamingo Drive, SW. I never received the communication you indicated sent to my office, but I apologize for any oversight on my part.

Enclosed with this letter is a check in the amount of \$840.24 for the apron installed. In the future, if your department does any work at my property, all bills should be sent to my home address.

I pride myself in being a good and honest public servant and always intend to do what is proper and right.

Sincerely,



Jim Maddox



# DEPARTMENT OF PUBLIC WORKS

City of Atlanta

VOID 90 DAYS FROM DATE ISSUED



Sewer Basin

Permit # **57819**

Type Permit

Utility

Entered By

Date Issued

5/28/2004

Expiration Date

8/26/2004

FAC

GF-1A01-442312-B00001

Street Number

914

Street Name

FLAMINGO DRIVE

Dir 1

Zip

Locator Street 1

Locator Street 2

Permit Cost

\$840.24

Permit Penalty

No

Penalty Amount

\$0.00

Type Cut

STREET AND/OR WALK

Purpose of Permit

INSTALL DRIVEWAY APRON

STEPHEN WARREN, SW ATLANTA INSPECTOR

WORK TO BE DONE BY THE CITY OF ATLANTA, GEORGIA

PAID BY CHECK NO. 3207

**PAID**  
MAY 25 2006

CITY OF ATLANTA  
EX OFFICIO MUNICIPAL  
REVENUE COLLECTOR

CK#  
3207  
S.G.

Note: 1 BEFORE STARTING WORK, PLEASE CALL COTENA P. CAROTHERS OR ADOLPHUS OFOR AT 404-330-6501 (YOU MAY NEED TO OBTAIN A PERMIT TO CLOSE THE STREET AND/OR SIDEWALK).

Note: 2

Honorific

Mr.

First Name

JAMES

Last Name

MADDOX, SR.

Number

914

StreetName

FLAMINGO DR.

Dir 2

SW

Zip 2

30311

City

Atlanta

State

Ga.

Applicant Telephone

404-758-7600

Contact Person

MR. JAMES MADDOX, SR.

Telephone 2

Business

ATLANTA CITY COUNCIL

NOTE: "Before digging at an area adjacent to a signalized intersection, call John Yang, City of Atlanta Signal Construction Engineer, to 404-330-6501 for a marking of underground traffic signal installations. Any damages caused to traffic signal infrastructure throughout the duration of the project shall be corrected by the contractor." Per COA/DPW/TRAFFIC AND TRANSPORTATION



# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

DEPARTMENT OF LAW  
68 MITCHELL STREET, S.W.  
SUITE 4100  
CITY HALL TOWER  
ATLANTA, GEORGIA 30303-3520  
(404) 330-6400 TELEPHONE  
(404) 658-6894 FACSIMILE

LINDA K. DISANTIS  
CITY ATTORNEY

May 30, 2006

Mr. James Maddox  
914 Flamingo Drive, S.W.  
Atlanta, GA 30311

Dear Councilmember Maddox:

Thank you for meeting with Jeffrey Norman and me today regarding the investigation conducted by the Department of Law in 2004. As you know, the allegation that we investigated involved work done by City personnel on a driveway apron at your residence. When the allegation was first reported, the person reporting it suspected that City personnel had poured your entire driveway, not just the apron. We were quickly able to determine that this allegation was incorrect, and that the only work the City personnel performed was to pour the apron, an activity that the City Code permits. For this reason, we determined that interviewing you during the investigation was not needed.

As you know from reviewing the report of the investigation, the recommended corrective action was directed to the Department of Public Works. We recommended that the Commissioner of DPW ensure that personnel in the department are trained on the required procedures in the Code for performing this type of work. We also recommended that DPW follow up and be sure that the City was reimbursed for the work performed.

I learned when this matter recently became a media issue that apparently you had not received the invoice sent by DPW informing you of the amount you owed for the work. In retrospect, the Law Department should have followed up with DPW or with you directly to ensure you had the information you needed to reimburse the City for this work. I apologize for not doing so.

Sincerely,

Linda K. DiSantis

cc: Jeffrey Norman